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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91194218
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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ILLUMINA, INC.,)	
)	Opposition No. 91194218 (parent)
)	Ser. No. 77/768176
Opposer/Petitioner,)	
)	Opposition No. 91194219
-v-)	Ser. No. 77/775316
)	
MERIDIAN BIOSCIENCE, INC.,)	Cancellation No. 92053479
)	Reg. No. 3887164
Applicant/Registrant.)	
)	Cancellation No. 92053482
)	Reg. No. 3868081
)	

**APPLICANT/REGISTRANT'S MEMORANDUM IN OPPOSITION TO
OPPOSER / PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

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EXHIBITS

Exhibit A: Declaration of Michael Patrick

Exhibit B: Declaration of Vecheslav A. Elagin

Exhibit C: Declaration of Paul A. Granato

Exhibit D: ILLUMI-marks

Exhibit E: LUM-marks

Exhibit F: TRU-marks

I. Introduction

Illumina, Inc., Opposer/Petitioner in the above-captioned, consolidated cases (hereinafter, “Opposer”), has moved for summary judgment based on the assertion that the ILLUMIGENE and ILLUMIPRO marks owned by Meridian Bioscience, Inc. (“Meridian”) are likely to be confused with Opposer’s alleged “family” of marks denoted by the prefix, “ILLUMI-.” There are two distinct issues in this case: (1) whether Meridian has priority such that its ILLUMIGENE marks are properly registered, and (2) whether there is a likelihood of confusion between Meridian’s ILLUMIGENE and ILLUMIPRO marks on the one hand and Opposer’s ILLUMINA and ILLUMINADX marks on the other. Because there are genuine issues of material fact relating to both issues, summary judgment should be denied.

II. Statement of Facts

Since its founding in 1977, Meridian has been in the clinical diagnostics field, manufacturing tests to detect the presence of infectious diseases in human patients. It has been a leader in this field since it pioneered its first test for *C. Difficile* in 1992. Exhibit A, Declaration of Michael Patrick, ¶ 7. Within the broader category of infectious disease, “Meridian’s clinical diagnostic products are focused in the microbiology space.” Patrick Dec. ¶ 8. Meridian’s “molecular diagnostic” products “test for and identify the microbial invader...[they] do not focus on or have any relationship with the genetics of the human patient.” *Id.* The consumers of clinical diagnostic products in the microbiology space “are typically the Clinical Directors of clinical diagnostic laboratories.” Patrick Dec. ¶ 9. The people that actually use Meridian’s products are in the Microbiology or Infectious Disease groups within these clinical laboratories. Patrick Dec. ¶ 10. The relevant consumers in clinical diagnostic labs have been familiar with Meridian’s IVD products for more than 25 years. Patrick Dec. ¶ 13.

The products used in these clinical diagnostic labs must be approved by the Food & Drug Administration (FDA) for “*in vitro*” use and are referred to as IVD products. *Id.* Meridian’s products are comparatively inexpensive; its ILLUMIGENE products are priced between \$25 and \$60 per test. Patrick Dec. ¶ 32. Its ILLUMIPRO machine, which is used to read the ILLUMIGENE tests, is included *at no additional charge* with the initial purchase of an ILLUMIGENE test kit. *Id.*

Opposer is a genetic sequencing company. Opposer markets its products to research labs within hospital and reference laboratory environments. *Id.* Opposer’s products are extremely expensive; for example, its Veracode product costs approximately \$95,000. Patrick Dec. ¶ 33. Opposer’s products have historically been “research use only” or “RUO” products. Patrick Dec. ¶ 18. As of 2008, Opposer “did not offer any clinical diagnostic products whatsoever and did not offer any products or services related to infectious diseases or microbiology.” Patrick Dec. ¶¶ 16, 22. Opposer is not a competitor of Meridian and does not offer goods to the same consumers. Patrick Dec. ¶ 14.

The consumers of both IVD products in clinical diagnostic labs and RUO products in research labs are sophisticated and make careful purchasing decisions. These consumers are aware of product names and manufacturer names and appreciate even subtle differences in both. Exhibit C, Declaration of Paul A. Granato, ¶¶ 14-19. These consumers are unlikely to confuse Opposer’s and Meridian’s trademarks because of the way in which the parties’ products are ordered and sourced (Granato Dec. ¶¶ 20-23) and because the parties products are distinctly different and used for different purposes. Exhibit B, Declaration of Vecheslav A. Elagin, ¶¶ 13-24.

III. Summary Judgment Standard

Opposer has the burden of demonstrating that there is no genuine issue of material fact and that it is entitled to a judgment as a matter of law. *See, Copelands' Enterprises Inc. v. CNV Inc.*, 20 USPQ2d 1295 (Fed. Cir. 1991). This burden is greater than the evidentiary burden at trial. *See, TBMP § 528.01.* Meridian must be given the benefit of all reasonable doubt, and both the evidentiary record and all inferences drawn from undisputed facts must be construed in the light most favorable to Meridian. *See, Lloyd's Food Products Inc. v. Eli's Inc.*, 25 USPQ2d 2027 (Fed. Cir. 1993); *Opryland USA Inc. v. The Great American Music Show, Inc.*, 23 USPQ2d 1471 (Fed. Cir. 1992).

Meridian's registrations for its ILLUMIGENE and ILLUMIGENE MOLECULAR SIMPLIFIED & design marks, Registration Nos. 3868081 and 3887164 respectively, constitute *prima facie* evidence of validity, ownership and Meridian's exclusive right to use the marks set forth therein. *See, e.g., Trademark Act § 7(b), 15 U.S.C. § 1057(b); J.C. Hall Co. v. Hallmark Cards, Inc.*, 144 USPQ 435 (CCPA 1965).

In this case, there are genuine issues of material fact as to: (1) which party has priority, (2) whether Opposer owns a "family" of marks, (3) the exact nature of the parties' goods and therefore whether the goods are similar, (4) the relevant channels of trade, (5) the relevant consumers within those channels of trade, and (6) the level of sophistication of the relevant consumers. Therefore, summary judgment is not appropriate in this case.

IV. Meridian's ILLUMIGENE Registration Has Priority Over Opposer's Marks in the "Clinical Diagnostic" Space.

Opposer argues that there is no genuine issue of fact as to which party has priority in this case. Opposer's argument regarding priority is inaccurate and, like many of Opposer's other arguments, paints with too broad of a brush. Meridian does not dispute that Registration

Nos. 2471539, 2632507, and 2756703 – all for the mark, ILLUMINA – predate Meridian’s filing dates for Registration Nos. 3868081, ILLUMIGENE, and 3887164, ILLUMIGENE MOLECULAR SIMPLIFIED & design. However, these ILLUMINA registrations identify RUO products and services meant for the research market, not the IVD products Meridian sells in the clinical diagnostics market. Elagin Dec. ¶¶ 18-23. Therefore, the Board must determine which party has priority in relation to the category of goods in connection with which the parties’ marks are used. Properly viewed in this manner, Meridian has priority.

In an *inter partes* proceeding, an owner of an ITU-based registration is entitled to rely on the filing date of the application as a constructive use date. *Chicago Bears Football Club, Inc. v. 12th Man/Tennessee LLC*, 83 USPQ2d 1073 (TTAB 2007). Meridian’s November 17, 2008 filing date for Registration No. 3868081, ILLUMIGENE, is its priority date in this case. As of November 17, 2008, Opposer did not offer any products for use in the clinical diagnostic market which Meridian has occupied consistently since 1977. Elagin Dec. ¶¶ 8, 25. Patrick Dec. ¶¶ 16-20. All three of Opposer’s registrations for ILLUMINA recite products and services that are to be used for research purposes only. Elagin Dec. ¶¶ 16-25. The distinction between RUO products and those which are FDA-approved for IVD uses in a clinical diagnostic setting is significant and extremely relevant. Not only are the ultimate purchasers and users of these two types of products different, but under FDA regulations, the uses of the two types of products are *legally* different. Specifically, a clinician may not, without violating FDA regulations, use an RUO product as he would an IVD product. Put another way, if a doctor working in a clinical microbiology lab is attempting to detect a pathogen in a patient sample, he must use an IVD product. He cannot and will not use an RUO product.

It is inaccurate and misleading for Opposer to allege that it has some type of “blanket” priority to assert against Meridian. In the relevant space, Meridian enjoys priority by virtue of its

ILLUMIGENE registrations. Both registrations precede Opposer's first trademark filing identifying goods in the IVD space – its intent-to-use application for ILLUMINADX, Serial No. 77747038, filed on May 28, 2009. Meridian has occupied the clinical diagnostics space since 1977. Patrick Dec., ¶ 7. Because Meridian has priority in the relevant space, Opposer is compelled to argue both the existence of a “family” of marks and that the IVD market is part of its natural “zone of expansion” from the RUO market. Simply put, if these two arguments fail, Opposer does *not* have priority in this case.

A. Opposer Does Not Own a Family of “ILLUMI-formative” Marks.

The crux of Opposer's argument with respect to priority is that it owns a “family” of marks denoted by the “ILLUMI-” prefix, and that because one of the marks from this “family” was used and registered before Meridian's priority date, it should be able to “tack on” the seniority of its older registrations in order to defeat Meridian's priority.

A “family” of marks is a group of marks that share the same distinguishing element. If a “family” of marks exists, it is the distinguishing element of the family by itself – as opposed to any of the component marks as a whole – that is recognized by consumers as the source identifier. Accordingly, if the junior mark shares the same distinguishing element of the family, confusion may be likely notwithstanding differences in the marks as a whole. 4 McCarthy on Trademarks and Unfair Competition, § 23:61.

To prove the existence of a “family” of marks, a plaintiff must prove that: (1) prior to the junior user's entry, all or many of the marks in the alleged family were used and promoted together in such a way as to create public perception of the family “surname” as an indication of source; and (2) the family “surname” is distinctive. *Truescents LLC v. Ride Skin Care, LLC*, 81 USPQ2d 1334 (TTAB 2006). Whether a “family” of marks exists is a question of *fact* based on the family surname's distinctiveness, as well as the nature of the use, advertising, and

promotion in which the alleged marks that make up the “family” appear. In order to own a family of marks, the proponent must have used joint advertising and promotion of the family in a manner designed to create an association of common origin for all marks containing the distinguishing family element. *AM General Corp. v. DaimlerChrysler Corp.*, 65 USPQ2d 1001 (7th Cir. 2002). Merely using or registering a series of marks containing a common characteristic is insufficient to establish a “family” of marks. “There must be recognition among the purchasing public that the common characteristic is indicative of a common origin of the goods.” *J & J Snack Foods Corp. v. McDonald’s Corp.*, 932 F.2d 1460, 1462 (Fed. Cir. 1991).

Thus, in order to demonstrate the existence of a “family” of marks, Opposer must prove that the “ILLUMI-” prefix is in fact recognized by the relevant consumer as a trademark in and of itself. *American Standard, Inc. v. Scott & Fetzer Co.*, 200 USPQ 457 (TTAB 1978). As the Board has explained, Opposer must demonstrate “that the marks asserted to comprise its ‘family’ or a number of them have been used and advertised in promotional material or used in everyday sales activities in such a manner as to create common exposure and thereafter recognition of common ownership based upon a feature common to each mark.” *American Standard* at 461. The mere fact that Opposer has registered or used more than one mark with a common prefix does not, without more, prove that a family of marks exists. *J & J Snack Foods, supra*.

First, and most importantly, Opposer has failed to demonstrate that it was using a “family” of marks prior to Meridian’s November 17, 2008 priority date. In fact, the opposite is true. Based on the evidence of record, the only mark Opposer was using as of November 17, 2008 was its ILLUMINA mark. The ILLUMINADX mark had not been applied for until May 28, 2009 and not used until March 19, 2010. Further, the evidence in the record pertaining to “Illuminotes” shows use of that term in 2011, while the evidence pertaining to “Illumicode” dates

to 2010. Second, the record shows that Opposer has not advertised or promoted its marks as a family. No more than two (2) of Opposer's alleged "family" members has ever been used together. The record shows use of "Illuminotes" with ILLUMINA (ILLUM-0864 to ILLUM-0880), use of "Illumicodes" with ILLUMINA (ILLUM-0856 to ILLUM-0863), and use of ILLUMINADX with ILLUMINA. Such fragmented use does not constitute use of "all" or "many" of the family members together. Further, use of ILLUMINADX with ILLUMINA is irrelevant because such use occurred only after Meridian's priority date. Moreover, adding ILLUMINA in the header or the footer of each marketing piece does not establish that the "family" members have been marketed such that consumers will recognize "ILLUMI-" as the "family" "surname." In summary, Opposer's actual use of its marks other than ILLUMINA appears to be so minimal, and in the case of its ILLUMINADX mark, so recent, as to make clear that Opposer has not yet established a family of marks. See, *Creamette Co. v. Merlino*, 132 USPQ 381 (9th Cir. 1962).

Even assuming Opposer has properly used a "family" of marks, a surname may be so non-distinctive that it may be incapable of earning strong family significance. *Creamette*, 132 USPQ 381; *Quaker Oats Co. v. General Mills, Inc.*, 56 USPQ 400 (7th Cir. 1943). Meridian has made of record copies of third party registrations of marks in the medical field which use the "ILLUMI-" and "LUM-" prefixes. While this evidence is discussed in more detail in Section V, *infra*, the evidence demonstrates that both "ILLUMI-" and "LUM-" are commonly used prefixes in the medical field. If the evidence establishes that the consuming public is exposed to third-party use of similar marks on similar goods, this evidence "is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection." *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 73 USPQ2d 1689, 1693 (Fed. Cir. 2005). As a result, the "ILLUMI-" prefix is relatively weak and non-distinctive and therefore incapable of earning strong family significance.

B. As of Meridian's Priority Date, The Clinical Diagnostic Market Was Not Within Opposer's Natural Zone of Expansion

The "zone of expansion" doctrine is applied to a priority dispute when a prior user on one line of goods later expands to another market only to find another already using a similar mark in the expansion market. In such cases, the first user can "tack on" its prior use on different goods to achieve priority over the junior, intervening user if, at the time when the junior user began use, purchasers would be confused as to source or sponsorship. 3 McCarthy on Trademarks and Unfair Competition § 20:17. What is or is not a "natural expansion" is a factual issue determined by the perception of consumers at the time of the junior user's first use of mark A on product line X. *Brookfield Communications, Inc. v. West Coast Entertainment Corp.*, 50 USPQ2d 1545, 1554 (9th Cir. 1999); *Carnival Brand Seafood Co. v. Carnival Brands, Inc.*, 51 USPQ2d 1929 (11th Cir. 1999). That natural zone of expansion is defined to include those things that consumers would expect might come from the same source. *J.C. Hall Co. v. Hallmark Cards, Inc.*, 340 F.2d 960 (CCPA 1965). An expansion of market is "natural" if, at the time the junior user began use, purchasers would have been likely to be confused as to source or as to sponsorship, affiliation or connection. 4 McCarthy on Trademarks and Unfair Competition § 24:20. In other words, the zone of expansion is measured at the time of the junior user's first use of the senior user's trademark. *Brookfield Communications* at 1051.

In support of its contention that the clinical diagnostics market, as well as IVD products intended for use in this market, were within its natural zone of expansion from the research market and RUO products used therein, Opposer makes three main arguments. First, it seeks to demonstrate, in Exhibit 4 to the Declaration of Gregory F. Heath, that a variety of different companies – including most notably its competitor LUMINEX – are doing business in both markets. However, all of this evidence is dated from 2012. See, ILLUM-0662 to ILLUM-0711. None of this information is probative of whether this expansion was natural at the time of

Meridian's November 17, 2008 priority date. Further, the various research papers made of record by Opposer merely describe how difficult the transition from the RUO space to the IVD space will be for companies wishing to do so. None of them discusses any companies actually making this transition. See, ILLUM-0712 to ILLUM-0765.

Second, Opposer argues that in January of 2008, it "publicly announced that it had created a Diagnostic Business Unit to develop diagnostic applications for its technology." Earlier still, Opposer argues that in May of 2006 it had "announced its interest in developing and commercializing DNA-based diagnostics, and continued to make such announcements." Opposer's brief at p. 17. Yet despite all this "announcing," Opposer did not have a single clinical diagnostic product on the market until at the earliest May of 2010. See, ILLUM-0658. Opposer apparently expects the Board to conclude that despite needing 2 years from the time it first announced an "interest" in entering Meridian's market to actually "creating" a business unit within its company to "develop" these products, and a further 2 years before actually putting an alleged diagnostic product (its Factor V and Factor II test) on the market, Opposer should somehow be able to reserve the clinical diagnostics space for itself. Meridian is aware of no precedent that would support such an assertion, and Opposer has not cited to any. In fact, applicable precedent holds that mere speculation or claims about future intentions are not evidence of expansion, and an inability to provide concrete evidence of expansion plans *at the time the junior user began use* indicates a finding against the senior user. *Survivor Media, Inc. v. Survivor Prods.*, 406 F.3d 625 (9th Cir. 2005). There must be a strong possibility of expansion into competing markets in order for the "zone of expansion" analysis to point towards a finding of infringement. *E & J Gallo Winery v. Gallo Cattle Co.*, 967 F.2d 1280 (9th Cir. 1992). Opposer cannot make a claim to the new market merely with public announcements that its products are "coming soon." Moreover, none of Opposer's evidence speaks to the perception of *consumers* at the relevant time.

Finally, Opposer asserts that its acquisition of Epicentre Technologies Corporation, a supplier to Meridian, is somehow relevant to the “zone of expansion” analysis. First, Opposer argues its acquisition of Epicentre proves that its “natural zone of expansion...has become a reality.” Here, Opposer broadly suggests that if an entity acquires a supplier to a company, such acquisition *by itself* demonstrates that the entity has now expanded into the relevant market previously occupied by the unrelated company. This argument is akin to asserting that when a company acquires a bolt manufacturer, that company has “naturally” expanded into the automotive industry because cars are assembled with bolts. Patrick Dec. ¶ 21; Elagin Dec. ¶ 11. Opposer has not cited to any precedent that supports such a bizarre assertion. Second, Opposer argues that Meridian’s ILLUMIGENE product “cannot be legally sold without Illumina’s enzyme product.” That statement is false. Elagin Dec. ¶ 11. In fact, after Opposer threatened to stop selling Meridian DisplaceAce unless Meridian abandoned its ILLUMIGENE and ILLUMIPRO marks, Meridian “identified and validated an alternate supplier for the ILLUMIGENE products without any interruption to the availability of the product to the market. Meridian now uses a different component in its products that it has determined, pursuant to FDA guidelines, to be substantially equivalent, and Meridian is allowed to use that replacement component under the relevant FDA regulations.” Patrick Dec. ¶ 21.

All of Opposer’s “zone of expansion” arguments fail. In reality, a consumer of either Opposer’s or Meridian’s products in November of 2008 would have never thought Opposer would be expanding into Meridian’s market. During that time, Opposer was in the research market making RUO products much like Life Technologies and Luminex. Opposer made no IVD products at that time. Elagin Dec. ¶ 9. Opposer was and has always been recognized as a “human genetic sequencing” company, with its primary customers being academic laboratories, government research entities such as the Center for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) and large pharmaceutical companies that do substantial

research. “None these entities has a clinical laboratory component or uses clinical diagnostic products of the type that Meridian markets.” Patrick Dec. ¶ 18. Similarly, the consumers Opposer now asserts to be the same in this case, the consumers of clinical diagnostic products, “would never have even heard of Illumina at all [in 2008 and 2009] because Illumina *made no products for such personnel to use or purchase.*” Patrick Dec. ¶ 20.

It is completely illogical to suggest that a consumer who had no familiarity with Opposer whatsoever in 2008 would somehow expect Opposer to start offering him products at some point in the future. If the potential customers for the two companies do not overlap, there is no threat to the senior user’s future expansion. *See, Official Airline Guides, Inc. v. Goss*, 6 F.3d 1385 (9th Cir. 1993). Accordingly, Opposer has not demonstrated that the clinical diagnostics market was within its natural zone of expansion in November of 2008.

V. Meridian’s ILLUMIGENE and ILLUMIPRO Marks are Not Confusingly Similar to Opposer’s ILLUMINA or ILLUMINADX Marks.

The evidentiary factors the Board considers in determining likelihood of confusion are set out in *In re E.I. du Pont de Nemours & Co.*, 177 USPQ 563 (CCPA 1973). Depending on the case, certain factors may be more important than others, and the Board need not consider every factor in its likelihood of confusion analysis. *See, Shen Manufacturing Co. v. Ritz Hotel Ltd.*, 73 USPQ2d 1350 (Fed. Cir. 2004). In the present case, the following factors are the most important: (1) similarity of the marks, (2) similarity of the goods, (3) similarity of trade channels, (4) sophistication of purchasers, and (5) whether there has been actual confusion during the time the marks have coexisted. Since the analysis of all of these factors favors Meridian, summary judgment for Opposer is inappropriate.

A. The marks at issue are dissimilar in sound, connotation, and appearance.

If the dominant portion of both marks is the same, then confusion may be likely notwithstanding peripheral differences. See, TMEP § 1207.01(b)(ii). Exceptions to this general rule may arise if the matter common to the marks is not likely to be perceived by purchasers as distinguishing source because it is merely descriptive or diluted. See, e.g., *Citigroup Inc. v. Capital City Bank Group, Inc.*, 94 USPQ2d 1645 (TTAB 2010). Third-party registrations are relevant to show that a portion of the mark is so commonly used that the public will look to other elements to distinguish the source of the goods or services. See, e.g., *AMF Inc. v. American Leisure Products, Inc.*, 177 USPQ 268, 269-70 (C.C.P.A. 1973). While third party registrations are normally accorded little weight in the analysis of similarity of the marks, it is appropriate to consider the existence of third party registrations where the marks share the same, diluted element. See, e.g., *American Home Products Corp. v. USV Pharmaceutical Corp.*, 190 USPQ 357, 360 (TTAB 1976).

Meridian has submitted herewith copies of third party registrations for marks in the medical field beginning with the prefixes "ILLUMI-" and "LUM-." Exhibits D and E. This evidence is discussed in more detail in Section 5, *infra*, but such evidence demonstrates that both prefixes are commonly used and therefore entitled to a narrow scope of protection. This evidence impacts the "similarity of marks" factor because the marks in this case only share the diluted "ILLUMI-" prefixes. Because the shared material is diluted, any similarities must be discounted somewhat. Instead, the Board should focus on the entirety of the parties' marks, and in particular their endings.

Even if the Board disagrees with the impact of these third party registrations, the marks are still not sufficiently similar for consumers to be confused. Opposer's marks are ILLUMINA and ILLUMINADX. Meridian's marks are ILLUMIGENE, ILLUMIGENE MOLECULAR

SIMPLIFIED & design, ILLUMIPRO, and ILLUMIPRO-10. Meridian's ILLUMIGENE mark contains the letters "G-E-N-E" which are not found in either of Opposer's marks. Similarly, Meridian's ILLUMIPRO mark contains the letters "P-R-O" which are also not found in either of Opposer's marks. Also, Opposer's ILLUMINADX mark contains the letter "X." The letter "X" is not commonly used in the English language and creates a specific visual impression on the consumer. In addition, Meridian's ILLUMIGENE MOLECULAR SIMPLIFIED & design mark contains two additional words – MOLECULAR and SIMPLIFIED, plus a design element – which are not found in either of Opposer's marks. While arguably the word ILLUMIGENE is the dominant element of Meridian's composite mark, the other elements cannot be ignored in comparing the marks. The result is that the parties' marks are materially different in appearance. Minimizing the similarities attributable to the diluted prefixes, the differences in appearance are even more stark. Opposer's marks end in NA and NADX. Conversely, Meridian's marks end in GENE and PRO. The endings of the marks are completely different in appearance.

The differences in appearance also render the sound of the parties' marks different. Opposer's ILLUMINA mark ends in a short "uh" sound, while Meridian's ILLUMIGENE and ILLUMIPRO marks end in long vowel sounds, "ee" and "oh" respectively. Further, Meridian's ILLUMIGENE mark features a soft "g" sound in the third syllable, while its ILLUMIPRO mark features a hard "p" sound in the third syllable. Neither sound is present at all in Opposer's marks. In addition, Opposer's ILLUMINADX mark ends in the uncommon "ecks" sound which is not present in any of Meridian's marks. The result is that the marks are predominantly different in sound as well.

With respect to connotation, it should be noted that ILLUMINA is Latin for “enlighten.” Conversely, both ILLUMIGENE and ILLUMIPRO are both coined words which have no specific meaning. The connotation of the marks, therefore, is different.

Citing to the KIDWIPES case, Opposer argues that “ILLUMI- is most likely to be seen by consumers as the dominant element in all of Meridian’s marks as well as [Opposer’s] marks, simply because it is the first element of the marks.” See *Presto Products, Inc. v. Nice-Pak Products, Inc.*, 9 USPQ2d 1895 (TTAB 1988). However, *Presto Products* was not a case about marks sharing a similar prefix. Registrant’s mark in *Presto Products* was KID STUFF whereas Applicant’s mark was KIDWIPES. Not only was Registrant’s mark comprised of two separate words, but Applicant’s mark was comprised of two separate words compressed into a single word. Such is not the case here, as the parties’ marks do not consist of individual words that can be separated. In addition, the Board’s determination was heavily influenced by the fact that the parties in *Presto Products* were the *only* parties which used a KID-formative mark on the goods at issue and, prior to Applicant’s filing, Registrant was the only party to use a KID-formative mark on the goods at issue.

Here, while both Opposer and Meridian both use marks that begin with the letters, “ILLUMI-,” Opposer has failed to prove that this similarity, in and of itself, is relevant. Further, as explained elsewhere, Opposer is not the only entity to use an “ILLUMI-” prefix in the relevant field. Given the facts, “ILLUMI-” cannot properly be viewed as the dominant element of any of the marks in this case.

Finally, Opposer has failed to demonstrate that its ILLUMINOTES and/or ILLUMICODE terms are valid marks or that it has the exclusive right to use either one. With respect to ILLUMICODE, the evidence of record shows only use of the word “illumiCodes,” and specifically use of that term as a noun; not an adverb which would otherwise constitute proper trademark

use. See, ILLUM-0856 (“...primers containing illumiCodes and universal primer sites are hybridized...”). The only other use of ILLUMICODE made of record by Opposer originates from something called the “FGED Society.” Opposer has not indicated what relationship it has with the “FGED Society” and why such use should properly inure to the benefit of Opposer. See, ILLUM-0859 – ILLUM-0863. As to ILLUMINOTES, Opposer has put into evidence what purports to be several email marketing pieces from the April to November 2011 time frame that show “Illuminotes” as title of each marketing piece. See, ILLUM-0864 – ILLUM-0880. First, there is no indication that these marketing pieces were used in commerce, as Opposer has failed to provide evidence of these materials being attached to an email. Second, it is curious that Opposer does not even designate its use of the word, Illuminotes, with a “TM” symbol which one would typically do if claiming trademark rights in a term. In this sense, Opposer’s seems to be trying to “create” a trademark after the fact and for the benefit of this case where one never existed in the first place. Regardless, these “non-trademarks” are no more similar to Meridian’s ILLUMIGENE and ILLUMIPRO marks than Opposer’s “real” trademarks. Accordingly, this factor favors Meridian.

B. Meridian’s goods and Opposer’s goods, as set forth in the parties’ respective applications/registrations, are not similar.

Where the terminology in a goods recitation is unclear, the Board has permitted a party to provide extrinsic evidence to show that the recitation has a specific meaning to members of the trade. The Board has noted that in light of such evidence it is improper to consider the identification in a vacuum without attaching all possible interpretations to it. *In re Trackmobile Inc.*, 15 USPQ2d 1152, 1154 (TTAB 1990). While evidence of actual use cannot be used to redefine the nature of a registrant’s or applicant’s goods or services, extrinsic evidence can be consulted to remove uncertainty as to the nature of the goods or services that are identified in the registration or application. *In re Continental Graphics Corp.*, 52 USPQ 2d 1374 (TTAB

1999). In this case, the goods and services at issue are in the medical field and are therefore difficult for a lay person to understand without specific, extrinsic evidence regarding the exact nature of the goods and services.

The recitations of goods and services in Opposer's Registration Nos. 2471539, 2632507, 2756703, and 4053668 are technically complex and vague, and understanding their meaning "requires knowledge about [Opposer's] actual activity in the marketplace and product offerings as context." Elagin Dec. ¶¶ 16, 17. Accordingly, the Board should consider extrinsic evidence explaining the exact nature of both Opposer's and Meridian's goods. Vecheslav A. Elagin, Meridian's Executive Vice President, Research and Development, explains that the reference to "random array technology" in Opposer's Registration No. 2471539 indicates that the ILLUMINA services are completely unrelated to Meridian's IVD products. Elagin Dec. ¶ 21. Similarly, Dr. Elagin explains that the goods recited in Opposer's Registration No. 2756703 identify goods used in scientific research, "specifically for 'analyzing' the genetic material at issue – that is, specifically identifying and characterizing it," and not for "amplification and detection," which is what Meridian's products are designed to do. Elagin Dec. ¶ 23. Dr. Elagin also explains that, "to someone with the applicable scientific knowledge," i.e. the consumers who will be purchasing and using the products at issue, Opposer's "'molecular sensing' using 'optical fiber bundles'" stands in a stark contrast to Meridian's 'molecular assays' using 'heat' and 'turbidity,'" as the two technologies are not only different, but mutually exclusive. Elagin Dec. ¶ 23. Finally, Dr. Elagin explains that the products described in Registration No. 2632507 are clearly "limited to 'research use' and 'scientific and medical research,'" not clinical diagnostics. Elagin Dec. ¶ 24.

In contrast, Meridian's recitations specifically refer to "diagnostics," either "diagnostic kits...for use in disease testing" in the case of the two ILLUMIGENE registrations, or "diagnostic

machine[s]...to be used for the amplification and detection” of the ILLUMIGENE “molecular assays” in the case of the two ILLUMIPRO applications. These distinctions are critical because they demonstrate that whereas Opposer has traditionally occupied the scientific and medical research space with RUO products, Meridian occupies the clinical diagnostic space with IVD products. As explained above, these two areas do not overlap, and the consumers of these products are distinctly different. It was not until Opposer filed its ILLUMINADX application that Opposer gave any indication whatsoever of actually entering the clinical diagnostics space. As explained by Gregory Heath, Opposer’s Senior Vice President, Opposer has only recently entered this space with products called “Veracode” and “BeadXpress.” Heath Dec. ¶¶ 3.

But as Dr. Elagin clarifies, the “Veracode Genotyping Test for Factor V and Factor II” Opposer has recently developed is designed to detect human “single nucleotide polymorphisms (SNPs) that cause human inherited diseases...and it has nothing to do with...detection of infections diseases through amplification in a closed tube molecular assay, as with ILLUMIGENE, ILLUMIPRO and ILLUMIPRO-10.” These “technology platforms are entirely separate and fundamentally different.” Elagin Dec. ¶¶ 12, 13. Meridian’s ILLUMIPRO and ILLUMIPRO-10 applications contain identical goods recitations; namely, “diagnostic machine, namely, a stand alone closed heater and turbidity meter to be used for the amplification and detection of a closed tube molecular assay.” Neither Meridian’s specific type of “stand alone closed heater and turbidity machine,” nor a “stand alone closed heater and turbidity machine” in general can be used with any of the goods or services identified in any of Opposer’s registrations. The ILLUMIPRO goods cannot be used with any of Opposer’s goods because the underlying technologies employed by Meridian and Opposer are entirely different and incompatible. Moreover, “the two technologies cannot be used together or combined in any way. [Opposer’s] BeadXpress instrument cannot be used with Meridian’s ILLUMIGENE tests.

Meridian's ILLUMIPRO and ILLUMIPRO-10 machines cannot be used with [Opposer's] Veracode Genotyping Test or any of [Opposer's] other products. Elagin Dec. ¶ 14.

Accordingly, the goods and services set forth in the parties' recitations are wholly dissimilar, are certainly not related or complementary in any way, and are directed to two very different markets; the research market on one hand and the clinical diagnostics market on the other. Even Opposer's ILLUMINADX goods are not at all competitive with Meridian's products, as Opposer's ILLUMINADX goods are intended to identify human inherited diseases, not to detect the presence of infectious diseases as Meridian's products do. Because the parties' goods are dissimilar, this factor favors Meridian.

C. The parties' goods are sold in different channels of trade, and in both channels they are sold to highly sophisticated consumers.

Opposer argues that just because some small portion of its market consists of hospital labs and reference labs, it generally sells into the same channels of trade and Meridian. However, this is not the case given the well-recognized differences between groups of purchasers within a large hospital setting. Patrick Dec. ¶¶ 7-25. In *Astra Pharmaceutical*, both parties sold products to large hospitals. In finding no infringement, the Federal Circuit held that use in the same, broad field "is not sufficient to demonstrate...likelihood of confusion," particularly because "the hospital community is not a homogenous whole, but is composed of separate departments with diverse purchasing requirements which, in effect, *constitute different markets* for the parties respective products." *Astra Pharmaceutical Products, Inc. v. Beckman Instruments, Inc.*, 220 USPQ 786, 791 (1st Cir. 1983) (emphasis added). Accordingly, while Meridian does not dispute that both parties market their goods to some of the same hospitals and reference labs *generally*, there is a genuine issue of material fact as to who the relevant consumers are within those entities. *Electronic Design & Sales* at 1391. The mere purchase of

goods and services “by the same institution does not, by itself, establish similarity of trade channels or overlap of customers.” *Electronic Design & Sales* at 1392.

Regardless, there is ample evidence that the relevant consumers in this case are highly sophisticated. “There is always less likelihood of confusion where goods are expensive and purchased and used by highly specialized individuals after careful consideration.” *Astra Pharmaceutical*, 220 USPQ 786 (1st Cir. 1983). Further, “where the relevant buyer class is composed solely of professional, or commercial purchasers, it is reasonable to set a higher standard of care than exists for consumers. Many cases state that where the relevant buyer class is composed of such buyers familiar with the field, they are sophisticated enough not to be confused by trademarks that are closely similar.” 3 McCarthy on Trademarks and Unfair Competition, § 23:101. Nevertheless, Opposer argues that the actual purchasers in this case, which Opposer concedes are “purchasing agents and physicians,” “may be and often are less sophisticated.” Opposer has offered no support for this proposition, and indeed, courts have held exactly the opposite – particularly in the hospital setting.

Because Meridian’s products are used for patient care, the hospital and reference lab personnel responsible for selecting and purchasing these products exercise careful consideration in making purchasing decisions. In fact, Dr. Paul Granato, Director of the Microbiology Laboratory Alliance of Central New York, states that such careful consideration is the rule in the hospital and reference lab setting in part because of the consequences of a purchaser making an error. Granato Dec. ¶ 21. The laboratory managers and supervisors in a clinical diagnostic laboratory are “experienced with requesting products for the laboratory and familiar with the products that are available and their sources.” Granato Dec. ¶ 15. It is a “job requirement” for these managers and supervisors “to be well informed about the products available, the names of those products, and the companies that make them.” Granato Dec. ¶

18. Similarly, the purchasing agents in clinical diagnostic laboratories are “experienced in purchasing for medical institutions and are intimately familiar with the manufacturers and suppliers in the market and the products they supply.” Granato Dec. ¶ 16. Dr. Granato explains the typical product purchasing process as follows:

...if someone working in my Microbiology Lab needs a test for *Clostridium difficile*, and does not already have one, he may research available options or consult with marketing material received from vendors. If, for example, he wants to order and use the ILLUMIGENE product, he will contact his purchasing agent and request that the ILLUMIGENE product be ordered. If the Microbiology Lab does not currently order the ILLUMIGENE product, the purchasing agent will look up the vendor that supplies that product. When the purchasing agent determines that Meridian is the vendor, the purchasing agent will check to see whether the Laboratory has an existing vendor contract with Meridian. Finding that we do, the purchasing agent will then arrange for the purchase of ILLUMIGENE test kits from Meridian. Unless another vendor also offers an ILLUMIGENE or similar-sounding product for the same purpose – here to test for the presence of *Clostridium difficile* – the purchasing agent will not be confused as to what she is ordering and/or who she should be ordering it from.

Granato Dec. ¶ 23

Notable in Dr. Granato’s description of the purchasing process is that the *product* name will always be connected to the *manufacturer* name before the order is placed. Put another way, consumers of these products do not just blindly order a product by name, the consumer must also know who makes the product before it can be ordered. In this way, the consumer is always going to be exposed to both the trademark for the product as well as the manufacturer’s company name; i.e. ILLUMIGENE from Meridian Bioscience and VERACODE or BEADXPRESS from Illumina. Viewed in the proper context, it is easy to see why these consumers would rarely if ever be confused as to the source of any given product.

In summary, the parties’ products would be purchased by highly knowledgeable, discriminating, and sophisticated purchasers whose job descriptions require them to take great care in making purchasing decisions. Indeed, as the Federal Circuit has held, “sophistication is

important and often dispositive because “[s]ophisticated consumers may be expected to exercise greater care.” *Electronic Design & Sales Inc. v. Electronic Data Systems Corp.*, 21 USPQ2d 1388, 1392 (Fed. Cir. 1992). It has long been recognized that purchasers of medical equipment, whether they are hospital personnel or doctors, are highly sophisticated and therefore more likely to be able to discern differences between trademarks and goods that the average consumer would overlook. See, *In re N.A.D.*, 224 USPQ 969 (Fed. Cir. 1985); *Pfizer Inc. v. Astra Pharmaceutical Products Inc.*, 33 USPQ2d 1545 (SDNY 1994) (the District court stating that as consumers, doctors are “as sophisticated a group as one could imagine”). Given the level of care required of the relevant purchasers, it is highly unlikely that any of them would be confused. Accordingly, this factor favors Meridian.

D. Opposer has not demonstrated that its ILLUMINA mark is strong or famous.

It is the duty of the party asserting that its mark is famous to “clearly prove it.” See, *Morgan Creek Productions, Inc. v. Foria International, Inc.*, 91 USPQ2d 1134 (TTAB 2009). The Federal Circuit has cautioned that “raw numbers of product sales and advertising expenses...in today’s world may be misleading.” There must be “some context in which to place raw statistics,” such as providing data on the percentage of the industry total these expenditures represent.. See, *Bose Corp. v. QSC Audio Products, Inc.*, 63 USPQ2d 1303, 1309 (Fed.Cir. 2002).

Opposer argues that its ILLUMINA mark is “a famous mark” and is therefore “entitled to a wide latitude of legal protection.” In support, Opposer offers a copy of its 2011 annual report and cites to, among other things, its “revenue of just over \$1 billion.” Opposer’s Brief, p. 11. Further, Opposer cites to its listing on “Forbes’ 2010 ranking of the fastest growing technology companies in America.” Opposer’s Brief, p. 12. As to its marketing expenses, Opposer alleges that in 2011, it reported “Selling, General & Administrative expenses of about \$269 million.”

Opposer's Brief at 12. Opposer also states that between January of 2008 and June of 2011, it "spent over \$5 million to produce advertising and to purchase advertising space in media such as scientific journals," and that "to specifically promote [its] emerging diagnostics business, [Opposer] has spent over \$750,000 since 2008." Opposer's Brief, p. 13.

Nowhere in any of these assertions does Opposer even suggest that some, most, or all (or any) of its revenue or advertising expenditures is tied in any way to its ILLUMINA mark. Opposer has produced no evidence demonstrating that consumers who purchase its products do so either because of the mark attached to it or some other reason. Further, Opposer has produced no evidence demonstrating that its advertising is directed toward promoting a specific mark or instead the utilitarian advantages of its products. Indeed, Opposer admits that some of its advertising "specifically promote[s] [its] emerging diagnostic business" generally, and not any particular trademark specifically. Opposer has not shown what its competitors' sales have been or what its competitors spend on advertising as a point of comparison. In a vacuum, Opposer's numbers are meaningless. Based on this lack of proof, the Board cannot conclude that Opposer's ILLUMINA mark is well known or famous. Accordingly, this factor favors Meridian.

E. There are a number of ILLUM- / LUM-formative marks registered and in use in the relevant field.

If the evidence establishes that the consuming public is exposed to third-party use of similar marks on similar goods, this evidence "is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection." *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 73 USPQ2d 1689, 1693 (Fed. Cir. 2005).

Attached as Exhibits D and E are printouts of status copies of third-party registrations which contain the "ILLUM-" and "LUM-" prefixes, respectively. All of the marks are for goods used in the medical field. Not counting Opposer and Meridian, ten (10) unique entities own registrations for ILLUMI- marks in the medical field. Not counting Opposer and Meridian, fifteen (15) unique entities own registrations for LUM-marks in the medical field, including, most relevantly, Luminex Corporation (identified by Opposer as its competitor in Opposer's Annual Reports as far back as 2003), who owns a registration for LUMINEX. See, ILLUM-0165; <http://investor.illumina.com/phoenix.zhtml?c=121127&p=irol-reportsAnnual>. The existence of these registrations demonstrates that both the "ILLUMI-" and "LUM-" prefixes (both of which mean "light," see, <http://www.prefixsuffix.com/rootchart.php>) are commonly used in the medical field. As a result, when a consumer encounters a mark that contains one of these two prefixes, he will look to the other elements or aspects of the mark because he will not attribute any source-identifying qualities to the commonly-used prefixes. Accordingly, this factor favors Meridian.

F. There have been no instances of actual confusion despite coexistence of the parties' marks for more than 3 ½ years.

Meridian engaged in pre-FDA clearance testing and prototype marketing for its ILLUMIGENE and ILLUMIPRO branded products beginning in December of 2008. Patrick Dec. ¶ 42. Such testing and prototype marketing has been held by the Board to constitute bona fide use of a mark because such acts constitute legitimate, commercial sales in the ordinary course of trade and not merely to reserve a right in a mark. *Automedx, Inc. v. Artivent Corporation*, Opposition No. 91182429 (not reported in USPQ) (TTAB 2010). Therefore, the parties' marks have coexisted for more than 3 ½ years. Opposer has failed to identify or even allege a single instance of actual confusion during this time despite the fact that the parties' marks have been used in generally similar trade channels. In fact, when asked whether it was aware of any

instances of actual confusion during discovery, Opposer evaded the question and instead *declined* the opportunity to answer it.¹ The absence of actual confusion is yet another fact that weighs against a finding of likelihood of confusion, especially considering the length of time the parties' marks have coexisted. This and the other material facts discussed above make summary judgment inappropriate.

VI. Coexistence of the Parties' TRU-formative Marks Proves that Confusion is Unlikely in This Case.

In addition to the marks at issue in this proceeding, the parties already own marks with the shared prefix, "TRU-." Opposer owns a registration and an application for TRUSEQ, and Meridian owns registrations for TRU BLOCK, TRU EBV-G, TRU EBV-M, TRU FLU, and TRU RSV. Meridian has attached printouts of the parties' "TRU-" marks as Exhibit E. All of Meridian's TRU-marks are registered for diagnostic tests similar to its ILLUMIGENE products. Opposer's TRU-marks closely track the recitations of goods and services in its ILLUMINA and ILLUMINADX marks. Meridian has priority over these TRU-marks, as Meridian's registrations date to 2008 while Opposer's applications date to 2010. Meridian did not challenge Opposer's TRUSEQ filings, and Opposer applied to register its TRUSEQ mark with knowledge of Meridian's existing marks. It is not surprising that Opposer did not view Meridian's TRU-marks as a obstacle to registration or use of its TRUSEQ marks, as the goods are different and the marks are different except for use of the same prefix. Patrick Dec. ¶ 38. Meridian is not aware of any instances of actual confusion between the parties' TRU-marks. Patrick Dec. ¶ 40. Despite the parties already coexisting in the market with its TRU-marks, Opposer has now

¹ Interrogatory No. 30:

Identify and describe each instance of confusion, mistake, or deception of any kind between Opposer's ILLUMINA Marks and Applicant's ILLUMIPRO Marks, and identify each person with knowledge of each instance.

Response:

Opposer incorporates its General Allegations [sic] as if fully stated herein. Opposer objects to this interrogatory as overly broad, unduly burdensome and vague in that it is impossible for Opposer to be aware of every instance of consumer confusion as there have most likely been times when consumers were confused but never made Opposer aware of that confusion. Thus, it is impossible to formulate a complete answer to this question.

alleged, under nearly identical facts, that Meridian's ILLUMIGENE and ILLUMIPRO marks are likely to be confused with ILLUMINA, simply because they share the same prefix. Opposer's apparent reversal of course here simply does not hold water. The parties have already demonstrated that they can do business under marks sharing the same prefix without consumer confusion occurring. This real-world evidence of the parties' coexistence in a similar situation is probative of whether there is a likelihood of confusion in this case.

VII. Conclusion

As Meridian has demonstrated, it has priority in the clinical diagnostics space by virtue of its November 18, 2008 filing date in Registration No. 3868081, ILLUMIGENE. Opposer does not own a "family" of marks it can use to defeat Meridian's priority date because it has not used its marks in such a way that a consumer would perceive the "family" to exist. Similarly, Opposer cannot demonstrate that the clinical diagnostics space was within its natural "zone of expansion" in November of 2008. The parties' marks and products are different, the channels of trade are different, the consumers of the products are different, and the relevant consumers are sophisticated and unlikely to be confused. For the foregoing reasons, the Board should deny Opposer's Motion for Summary Judgment.

Dated this 3rd day of July, 2012.

Respectfully submitted,

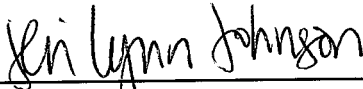


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum in Opposition to Opposer / Petitioner's Motion for Summary Judgment was served upon James R. Menker, Holley & Menker, P.O. Box 331937, Atlantic Beach, Florida 32233 by first class mail this 3rd day of July 2012.



Jeri Lynn Johnson

Exhibit A: Declaration of Michael Patrick

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL APPEAL BOARD**

ILLUMINA, INC.,)	Opposition No. 91194218 (parent)
)	Ser. No. 77/768176
Opposer/Petitioner,)	
)	Opposition No. 91194219
-v-)	Ser. No. 77/775316
)	
MERIDIAN BIOSCIENCE, INC.,)	Cancellation No. 92053479
)	Reg. No. 3887164
Applicant/Registrant.)	
)	Cancellation No. 92053482
)	Reg. No. 3868081
)	

**DECLARATION OF MICHAEL PATRICK IN SUPPORT OF APPLICANT / REGISTRANT'S
MEMORANDUM IN OPPOSITION TO
OPPOSER / PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

I, Michael Patrick, hereby state and declare as follows:

1. My name is Michael Patrick, I am over eighteen (18) years of age, and I have personal knowledge of the facts stated in this Declaration.
2. I graduated from the University of Alabama at Birmingham in 1995 with a major in Industrial Distribution.
3. I am employed by Meridian Bioscience, Inc. ("Meridian") as Senior Director of Sales and Marketing. I have been with Meridian for the past five years, starting as a Product Manager and working my way up to my current position.
4. In connection with my duties and responsibilities for Meridian, I supervise and direct Meridian's marketing efforts for clinical diagnostic products. I am also directly involved in selling Meridian's clinical diagnostic products to customers, and I have considerable experience meeting and corresponding with Meridian's customers for clinical diagnostic products. I have gained substantial personal knowledge of our customers' specialties, organizational structures, and needs.

5. I have worked in the marketing discipline of the medical industry for more than eleven (11) years. Prior to working at Meridian, I worked in marketing for Wright Medical Technology, Inc., a manufacturer of orthopedic products. Prior to that, I worked in marketing for Esoterix, Inc., which sold clinical diagnostics products related to leukemia and lymphoma. Prior to that, I worked in marketing at Polymedco, a supplier of clinical diagnostic test kits and devices related to chemistry, hematology and various types of cancer.

6. During my employment with Esoterix, Polymedco, and Meridian, I devoted extensive time to learning about the relevant customer base for clinical diagnostics products, meeting with customers, selling products to them, and negotiating agreements with them. Through my years of personal experience in marketing clinical diagnostic products and services, I have become well acquainted with the suppliers, customers and markets for such products.

The Differing Consumers of Meridian's Products versus Illumina's, From 2008 To Today

7. Meridian has been in the clinical diagnostics field since its founding in 1977. Meridian has been a leader in the field of clinical diagnostics since it pioneered its first *C. Difficile* test in 1992.

8. Within the broader category of infectious disease, Meridian's clinical diagnostic products are focused in the microbiology space. Meridian's "molecular diagnostic" products test for and identify the microbial invader; Meridian's products do not focus on or have any relationship with the genetics of the human patient.

9. The consumers of clinical diagnostic products in the microbiology space are typically the Clinical Directors of clinical diagnostic laboratories, who acquire such products often at the request of personnel in the laboratories' "Infectious Disease" or "Microbiology" departments or with the purpose to supply them to such departments. Since 1977, Meridian has sold diagnostic products to clinical diagnostic laboratories to assist them in diagnosing infectious diseases – specifically, microbiological infectious diseases.

10. The people within the clinical diagnostic laboratories who use Meridian's clinical diagnostic products are typically situated in a "Microbiology" or "Infectious Disease" group or department. The products used in this context must be FDA-approved for "*in vitro*" use, often referred to as "IVD" products. The ultimate decision-maker for buying Meridian's clinical diagnostic products – including Meridian's ILLUMIGENE products – is typically the head of a clinical diagnostic laboratory, i.e. the Clinical Director (sometimes with input or required consent or "sign-off" from financial personnel such as a Purchasing department, Materials Management department, or CFO or Director of Finance for the laboratory)

11. The Clinical Director is typically one of two (2) "director-type" positions within the larger laboratory setting of a hospital or reference lab environment. The other director at this level is the "Research Director." Meridian does not market or sell to, and rarely if ever has any interaction with, the Research Director in a hospital or reference lab setting. As a result, to say that Meridian markets and sells its products to "hospital labs" or "reference labs" is an oversimplification of how the relevant consumer market is structured. In reality, there are two separate and distinct "touch-points" within any "hospital lab" or "reference lab;" the research lab and the clinical diagnostic lab. Meridian's marketing and sales focus is only to one of those two distinct touch-points – the clinical diagnostic lab.

12. While hospitals and reference labs generally do purchase microbiological clinical diagnostic products, those products are purchased specifically for and by the microbiology departments within the clinical diagnostic labs of such hospitals and reference labs. Put another way, the consumers within a hospital or laboratory who interact with the relevant products in this case, select products, and drive the purchase of products within each of those markets are very different and very specific.

13. The relevant consumers in the clinical diagnostic laboratories of hospital labs and reference labs have been familiar with Meridian's infectious disease clinical diagnostic products

for more than twenty-five (25) years, and certainly well prior to 2008. Meridian has spent a great deal of money advertising and selling its clinical diagnostic products specifically to such consumers. In 2009, Meridian spent almost \$350,000 in marketing diagnostic products in the United States, with approximately \$250,000 of that expenditure dedicated to promoting ILLUMIGENE products. The marketing and promotion for ILLUMIGENE's initial launch cost approximately \$100,000, which included both advertising and promotional funds. In 2012, Meridian has spent about \$15,000 per month in advertising ILLUMIGENE products in the United States, and Meridian spends an additional \$75,000 annually in trade show promotion of Meridian. Given Meridian's marketing and sales strategy and the strict separation of the clinical and research disciplines within any given hospital lab or reference lab, the relevant consumers on the research side of such labs – i.e. the consumers of Illumina's products – probably have very little if any familiarity with Meridian. Conversely, Meridian's relevant consumers on the clinical diagnostics side of such labs probably have very little if any familiarity with Illumina.

14. Illumina is not and has not been a competitor of Meridian and does not offer goods to the same consumers as Meridian. Because of the line of business Illumina is in, Illumina's consumers, where they otherwise overlap in the larger hospital lab and reference lab channel of trade, are those on the research side of such labs. Outside of this channel, Illumina also markets to and serves dedicated research institutions where human genomes are sequenced on a massive scale for, among other things, drug development purposes. Meridian has no involvement in this space whatsoever.

15. In five (5) years of marketing Meridian's products, I have encountered many competitors and other companies who offer clinical diagnostic products and services, but I have never once heard of Illumina operating in the clinical diagnostic space, never once heard a customer refer to Illumina or its products, and never once encountered Illumina as a competitor.

Specifically, Meridian's main competitors in the clinical diagnostic space are BD/GeneOhm, Prodesse, Alere and Cepheid.

16. In 2008, Illumina did not offer any clinical diagnostic products whatsoever and did not offer any products or services related to infectious diseases or microbiology. Rather, Illumina was a company that offered human genetic sequencing services and supplied equipment and components for companies and laboratories to construct their own "assays" (scientific tests). Those products and services are directed toward and used by an entirely different category of consumers from consumers of clinical diagnostic products.

17. The consumers of Illumina's products have been distinct from the consumers of Meridian's products since Illumina's inception, and were certainly distinct in 2008 and 2009. Today, the relevant consumers of Meridian's and Illumina's products remain distinct notwithstanding Illumina's recent addition of new products.

18. Since its inception, and certainly in the 2008-2009 time frame, Illumina's market for its human genetic services, components, and equipment for assays included research laboratories, *not* clinical diagnostic laboratories. These research laboratories would purchase Illumina's human genetics services by sending away samples to be analyzed, and/or would buy components and equipment from Illumina to construct in-house assays. None of Illumina's products at the time were FDA-approved, IVD products. Rather, all of Illumina's products were approved for "Research Use Only," often referred to as "RUO" products. RUO products may not be used in clinical diagnostic laboratories to diagnose patients. Illumina's market also includes academic laboratories, government research entities such as the CDC and NIH, and large pharmaceutical companies who do substantial research; none of these entities has a clinical laboratory component or uses clinical diagnostic products of the type that Meridian markets.

19. It is inaccurate for Illumina to broadly assert that its consumers were or are part of the "diagnostics" market. The only connection to "diagnostics" that would be possible in this

context exists in very few laboratories, and does not involve any overlap between the *consumers* of clinical diagnostic products and the *consumers* of Illumina's products. In a few research laboratories, researchers create their *own, in-house* diagnostic assays. They may use Illumina's products, along with components from many other suppliers, to *build* these assays. But those researchers and the people working with them are not buying "ready-made" clinical diagnostic products such as Meridian's – they are buying components and then *building* in-house diagnostic assays themselves. Asserting that Illumina's components and equipment compete with Meridian's clinical diagnostic test kits based on this logic would be much like saying a bolt manufacturer competes with an automobile manufacturer because bolts are used to build cars.

20. And just as a consumer would not expect a bolt manufacturer to begin making cars, the personnel working in research laboratories who used Illumina's services and products since Illumina's inception, and certainly in 2008 and 2009, would not have expected Illumina to begin selling "ready-made" IVD diagnostic products. Personnel within clinical diagnostic laboratories in 2008 and 2009 would never have even heard of Illumina at all because Illumina *made no products for such personnel to use or purchase.*

21. Illumina's purchase of Epicentre Technologies Corporation, the maker of "DisplaceAce" is only a further example of this dynamic, i.e., the difference between the consumers of Meridian's products and the consumers of Illumina's products. DisplaceAce is a component – a bolt for the car – not a test or kit that can be used to determine whether a particular patient is afflicted with a particular infectious disease. Someone trying to diagnose the presence of an infectious disease in a clinical diagnostic laboratory cannot use DisplaceAce by itself for this purpose, nor would such person be aware whether DisplaceAce was being used as a component within a kit. And Illumina is flat wrong in claiming that ILLUMIGENE cannot be sold without DisplaceAce. When Illumina refused to sell Meridian DisplaceAce unless Meridian

abandoned the marks at issue in this proceeding, Meridian set to work at identifying a replacement enzyme for its ILLUMIGENE product. Meridian identified and validated an alternate supplier for the ILLUMIGENE products without any interruption to the availability of product to the market. Meridian now uses a different component in its products that it has determined, pursuant to FDA guidelines, to be substantially equivalent, and Meridian is allowed to use that replacement component under the relevant FDA regulations.

22. In November 2008, Meridian applied to register its ILLUMIGENE mark for diagnostic kits – FDA-approved “ready-made” IVD assays to diagnose infectious diseases in Clinical Diagnostic Laboratories. In April 2009, Meridian applied to register its ILLUMIGENE MOLECULAR SIMPLIFIED & design mark for the same products directed to the same market. At the time of Meridian’s filings, consumers in the clinical diagnostic laboratory would not have had any awareness of Illumina or its products because Illumina did not offer any products they could use; Illumina had no IVD products in its product portfolio, but rather only RUO products for use by consumers working in research laboratories.

23. Even today, the consumers of Meridian’s clinical diagnostic products and the consumers of Illumina’s products are not the same. From its website, Illumina’s product line still appears to consist of human genetic services and components and equipment for assays. As discussed above, consumers of such services and products are research laboratories, not clinical diagnostic laboratories. It is true that Illumina received FDA approval on April 28, 2010 for the “Illumina VeraCode(R) Genotyping Test for Factor V and Factor II,” but Illumina’s website does not appear to market that product, and I have not encountered it in my interactions with consumers in clinical diagnostic laboratories or in my attendance at tradeshow in the industry. Moreover, I saw Illumina’s display at the recent American Society of Microbiology trade show on June 17-19 in San Francisco, and it did not include any marketing of IVD products.

24. Even if Illumina is given the benefit of the doubt about having an IVD product in the marketplace with its “Illumina VeraCode® Genotyping Test for Factor V and Factor II” (“VeraCode® Genotyping Test”), the fact remains that the consumers of the VeraCode® Genotyping Test are very different from the consumers of Meridian’s infectious disease diagnostic products. The VeraCode® Genotyping Test for Factor V and Factor II tests *human genes* for mutations, using human blood samples, in an effort to identify the genetic markers for a blood disorder called thrombophilia. Meridian’s molecular diagnostic products attempt to identify microbial pathogens, not particular sequences of human DNA.

25. The personnel who would perform tests using Illumina’s VeraCode® Genotyping Test are in the clinical diagnostic laboratories’ “Hematology” or “Oncology” groups or departments. Such groups or departments are wholly separate from the “Infectious Disease” or “Microbiology” departments or groups who are the consumers of Meridian’s clinical diagnostic products. The work and tools of the two kinds of clinicians do *not* overlap.

The High Level Of Sophistication And Attention Of Meridian’s and Illumina’s Consumers

26. Although they are distinct groups of people, everyone involved in purchasing and using either Meridian’s clinical diagnostic products or Illumina’s services and products has an extremely high level of education and sophistication.

27. The user of a Meridian clinical diagnostic product is an educated and highly trained person within an “Infectious Disease” or “Microbiology” department or group in a Clinical Diagnostic Laboratory. He or she would usually have a bachelor’s degree in a scientific field and training as a Medical Technologist. The user of Illumina’s new VeraCode® Genotyping Test, if that product is indeed on the market, would also be educated and highly trained. He or she would usually have a bachelor’s degree in a scientific field and training in molecular research. The needs of the consumers of these products would drive the purchase of such products by the clinical diagnostic laboratory. Both of these types of consumers pay close

attention to the product they are selecting and using. The consumers' ability to use the products at issue are restricted by FDA regulations pertaining to the intended uses of the products, and the consumers also must take great care because they are diagnosing medical conditions of patients.

28. The decision-maker in setting up a pricing contract with Meridian for purchasing Meridian's clinical diagnostic products, including ILLUMIGENE products, is typically a Clinical Director, the head of a clinical laboratory. The people in that position typically have even more education and credentials, usually including a Master's degree or even a Ph.D. They typically have a great deal of experience in clinical laboratories and sophisticated knowledge of the industry. Clinical Directors pay close attention to the pricing contracts entered into by their laboratories and the products they make available to their personnel through those contracts.

29. Further, it typically requires multiple meetings and/or calls between Meridian and its customers to enter into a contract for Meridian's clinical diagnostic products. Meridian and the relevant consumer will engage in significant negotiation over products, volumes, and prices. At all times, Meridian's customers are fully aware of what types of products Meridian can offer and what types it does not offer, as well as the names of those products.

30. The consumers of Illumina's human genetics services, and Illumina's components and equipment for assays, are researchers in research laboratories, academic laboratories, government research entities, or large pharmaceutical companies. Such personnel usually have a bachelor's degree in a scientific field and training in molecular and genetic research, and often have doctorate-level scientific degrees. They are highly trained scientists and laboratory technologists who pay close attention to the equipment, components and services that they use, in part because their results must be precise, verifiable and reproducible. They typically disclose the equipment and components that they use when they write scientific papers that include their methodologies.

The Substantial Price Differences Between Meridian's Products And Illumina's Products

31. Even if the same consumer encountered both Meridian's clinical diagnostic products (such as the ILLUMIGENE molecular diagnostic kits and the ILLUMIPRO and ILLUMIPRO-10 machines that read them) and Illumina's products (such as Illumina's VeraCode® Tests and the BeadXPress equipment that reads them), they would not be likely to confuse the source of the products, in part because of the extreme price difference between them.

32. Meridian's ILLUMIGENE molecular diagnostic products are marketed for between \$1,250 and \$3,000 per kit of 50 tests (\$25 to \$60 per test). Meridian's ILLUMIPRO and ILLUMIPRO-10 machines ***are included at no additional charge with the purchase of the initial kit.***

33. On information and belief, Illumina's BeadXPress readers, used to interpret the VeraCode® tests, are priced at about \$95,000. This price does not include the cost of the components used in the actual test itself. Clearly a purchaser would be very likely to note the dramatically different order of expense between the two companies' products, even apart from the major, obvious differences in what the products are and what they do, as discussed above.

Prefixes In Product Names In the Medical Products Field

34. I understand that Illumina has argued that the prefix "ILLUMI" is somehow more noticeable or more entitled to weight than the suffix that follows it in ILLUMIGENE, ILLUMIPRO, and ILLUMIPRO-10. Based on my extensive experience in marketing in the field of medical products, I disagree with Illumina's position.

35. In the medical field, the prefixes of product names are often the same or very similar across different companies who compete with each other. For example, "Immuno" is an extremely common prefix used in the product names of many different companies, such as the Quest Immunocap, the Allere ImmunoComb, and the Meridian ImmunoCard. Because of this

pattern of concentrations on the same prefixes, consumers of medical products do not merely focus on the prefixes of words more so than, or at the expense of, the suffixes and/or the entirety of the word, or give the prefixes special weight or attention. If anything, given the consequences of using the wrong product by casually focusing on only part of a product name, consumers of medical products are attuned to the need to take in and consider the entirety of the product names.

36. An especially clear example of the dynamic described above can actually be found in another product name prefix that *Illumina itself* began using years after Meridian began using it. In 2006, Meridian applied to register the marks TRU RSV, TRU FLU, TRU EBV-M, and TRU EBV-G. The first uses of these marks were in 2006 and 2007 and they were registered in 2008. All of these registrations are in International Class 5, and recite “diagnostic tests” or “diagnostic test kits.”

37. Subsequently, in the summer of 2010, Illumina submitted two applications to register the mark TRUSEQ, one with a claimed first use date of November 22, 2010. Illumina’s TRUSEQ mark was successfully registered in International Classes 1, 9 and 42 for “reagents and reagent kits” for use in “diagnostic and clinical research”; “product development” within the “fields of scientific, diagnostic and clinical research”; and “scientific instruments” within the “fields of scientific, diagnostic and clinical research.”

38. It is not surprising to me that Illumina did not view the “TRU-” prefix shared by its’ and Meridian’s marks as particularly problematic for both entities to be using or that its TRU- mark was too close to Meridian’s TRU- marks based on Meridian’s prior registration and use of several marks with this same prefix. Not only were the products different, but Illumina’s mark had a different suffix, rendering its TRUSEQ sufficiently different from Meridian’s TRU RSV, TRU FLU, TRU EBV-M, and TRU EBV-G.

39. Illumina's apparent position in applying for registration of the TRUSEQ mark, notwithstanding Meridian's use and registration of several TRU- marks, makes sense. Its apparent reversal of its position in the current dispute does not make sense. These TRU- marks cover the same types of goods and services that are at issue in this proceeding. Illumina's own efforts in selecting, applying for, using, and registering its TRUSEQ mark directly contradict the position it is trying to assert in this proceeding. Consumers of medical and medical research products are careful and sophisticated, and they do not give undue weight to just the beginnings of product names, or ignore the endings.

40. I am not aware of any instances of actual confusion between Illumina's TRUSEQ mark and any of Meridian's TRU-formative marks, nor would I expect there to be any confusion.

There Is No Actual Confusion Between Meridian's Trademarks And Illumina.

41. After extensive marketing of Meridian's ILLUMIGENE clinical diagnostic products and the ILLUMIPRO and ILLUMIPRO-10 readers over the course of multiple years, there have been no reported incidents of confusion between these products and Illumina or its products.

42. Meridian first used the ILLUMIGENE name in connection with clinical trials in December 2008. Meridian has promoted ILLUMIGENE under that name since then, at all times including trade shows, individual meetings and customer presentations.

43. Since obtaining FDA approval and launching ILLUMIGENE products in July of 2010, Meridian has promoted them through trade shows, advertisements in trade magazines, promotion on Meridian's website, individual meetings, brochures, and customer presentations. Meridian has sold ILLUMIGENE products to more than 700 different accounts in the United States. Beyond those who have actually purchased ILLUMIGENE products, over 4000 potential consumers have been exposed to the ILLUMIGENE and ILLUMIPRO products through our marketing efforts. I estimate that Meridian representatives have met face-to-face with about 50% to 60% of accounts in the marketplace regarding ILLUMIGENE products, and that

Meridian's ILLUMIGENE advertising and promotion has reached almost 100% of the possible accounts in the marketplace, particularly since ILLUMIGENE is advertised in trade publications that reach virtually every clinical laboratory. With all of this marketing and sales activity, there have still been absolutely no accounts of purchasers or others confusing the source of ILLUMIGENE as being Illumina, nor confusing Meridian as being the source of any Illumina products.

44. In my position, I would hear about any reported confusion from a consumer or from someone responding to our marketing. If any of Meridian's marketing or sales personnel heard about such confusion, they would report it up to me. I would also expect to hear about any such confusion from distributors with whom we work.

Attendance At Broad-Based Trade Shows In This Industry Does Not Mean There Is Any Overlap In Consumers.

45. I understand that Illumina has argued that simply because it has attended some of the same trade shows as Meridian, the consumers for both Illumina's and Meridian's products are somehow the same. However, in the medical industry, attendance at broad-based trade shows does not mean, in and of itself, that all the companies at the shows are competitors or even sell products to the same consumers.

46. For example, the American Association for Clinical Chemistry Annual Meeting is a broadly-focused trade show where the vast majority of products and services on display, including such things as blood analyzers and gas analyzers, have nothing to do with the clinical diagnostics field. Further, many products on display are designated for Research Use Only ("RUO" products).

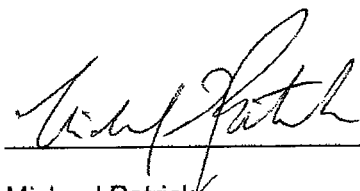
47. Similarly, the Association for Molecular Pathology trade show, although it is in the molecular pathology field generally, includes many companies who offer human genetic and polymorphism products and services which are not similar to Meridian's clinical diagnostic products and which do not have the same users. The same is true of the Clinical Lab Expo and

the Deutsche Bank Annual Health Care conferences: a wide array of products and services are presented at those conferences to a wide variety of professionals and potential consumers, and simply attending them does not mean that companies are marketing to the same consumers or are competitive with one another.

48. In short, Meridian's clinical diagnostic products are marketed and sold to different consumers than Illumina's products and services, and mere attendance at some of the same trade shows does not change that.

Pursuant to 37 C.F.R. § 2.20, the undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Executed on June 29th, 2012.



Michael Patrick

Exhibit B: Declaration of Vecheslav A. Elagin

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL APPEAL BOARD**

ILLUMINA, INC.,)	Opposition No. 91194218 (parent)
)	Ser. No. 77/768176
Opposer/Petitioner,)	
)	Opposition No. 91194219
-v-)	Ser. No. 77/775316
)	
MERIDIAN BIOSCIENCE, INC.,)	Cancellation No. 92053479
)	Reg. No. 3887164
Applicant/Registrant.)	
)	Cancellation No. 92053482
)	Reg. No. 3868081
)	

**DECLARATION OF VECHESLAV A. ELAGIN, PH.D., MBA, IN SUPPORT OF APPLICANT /
REGISTRANT'S MEMORANDUM IN OPPOSITION TO
OPPOSER / PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

I, Vecheslav (Slava) A. Elagin, hereby state and declare as follows:

1. My name is Vecheslav A. Elagin, I am over eighteen (18) years of age, and I have personal knowledge of the facts stated in this Declaration.

2. In 1988, I earned a Bachelors of Science degree in Applied Physics and Mathematics from the Moscow Institute of Physics and Technology in Moscow, Russia. In 1990, I earned a Masters degree in Genetics from the Vavilov Institute of General Genetics in Moscow, Russia. In 1992, I earned my doctorate in Molecular Genetics from the Engelhard Institute of Molecular Biology in Moscow Russia. And in 2009, I earned an executive MBA from the University of Wisconsin in Madison, Wisconsin. I have worked as an academic in the field of molecular genetics, including as a Staff Scientist and Principal Investigator at the Institute of Gene Biology in Moscow Russia from 1992 to 1996, and as a Research Assistant Professor at the University of Notre Dame in Indiana from 1996 to 2000.

3. I am currently employed by Meridian Bioscience, Inc. ("Meridian") as Executive Vice President, Research and Development. I have worked for Meridian since 2009, when I started as Vice President, Research and Development. In 2011, I was promoted to Senior Vice

President, Research and Development, and in 2012 I was promoted to my current position. I currently report directly to Meridian's CEO and am responsible for corporate-wide leadership of Meridian's research and development.

4. Among other duties, I oversee Meridian's research and innovation projects, as well as development of in-vitro diagnostic products (often referred to as "IVD" products), including strategies, policies, FDA compliances as it relates to new product development, and design control, clinical trials, valuation and protection of intellectual property, etc. I have direct involvement in Meridian's development of molecular diagnostic products and assessment of other companies' product, services, and intellectual property. Through my work, I have gained substantial personal knowledge of both Meridian's and other companies' products.

5. From 2006 to 2008, I was employed by EraGen Biosciences as a Vice President, Research and Development. EraGen Biosciences has been recently acquired by Luminex Inc. EraGen developed and commercialized molecular diagnostic products and drug discovery molecular tests. At EraGen, I was responsible for the full scope of research and development within the company, including the product development, validation and verification testing, and commercialization of EraGen's products and the development and protection of the company's intellectual property.

6. Prior to my work at EraGen, I worked from 2004 to 2006 as a Vice President, Research and Development, at Third Wave Technologies (which was acquired by Hologic Inc. in 2008). Third Wave operated in two distinct segments: Life Science (or research applications) and Molecular Diagnostics (or IVD products). My role involved guiding research, product support, quality control, regulatory submissions, and other technical operations.

7. In 2000 to 2003, I worked for Visible Genetics (which was acquired by Bayer Diagnostics in 2002). My title was Senior Scientist/Manager, Research and Development. I managed a group of scientists in the research and development department, developing new IVD products. I also served as a Manager for Clinical Laboratory Operations at Visible

Genetics, which involved managing clinical laboratory operations carried out by the company in accordance with CLIA¹ and FDA standards.

8. Through over a decade of personal experience in the clinical diagnostics industry, including in research, product development, regulatory work, and management, I have come to know the industry very well. I have personal knowledge of the types of clinical diagnostics products that have been available in the market historically, their scientific bases, their functions, and the regulations that apply to them.

Illumina's and Meridian's Products Are Different And Serve Different Consumers' Needs.

9. In 2008, Illumina's products had zero presence inside a Clinical Diagnostic Laboratory. In 2008 to 2009, Illumina's products and services were focused on research applications as "RUO" products and were not approved by the FDA for "In Vitro Diagnostic Use." These products are used by academic laboratories, medical centers for research purposes, government research entities such as the CDC and NIH, large pharmaceutical companies who do substantial research, and research laboratories, *not* the clinical diagnostic laboratories. In general Illumina operated in the Research market segment, similar to other companies like Life Technologies, Luminex, and Life Science Division of Roche. Clinical Diagnostic Laboratories are using the IVD products, and Illumina had no IVD products at the time.

10. In a small number of medical institutions, researchers in the research laboratory side do work that could be called, in one sense of the word, "diagnostic," but it is not through the use of IVD clinical diagnostic products such as Meridian's ILLUMIGENE products. Rather, in a few research laboratories, researchers create their own diagnostic assays from RUO parts and components or use RUO products to conduct medical research studies, such as biomarker discoveries for different human diseases (cancers, inherited diseases, etc). To develop these assays, such researchers may use Illumina's products, along with components from many other

¹ "CLIA" stands for the Clinical Laboratory Improvement Amendments issued by the Centers for Medicare & Medicaid Services, which regulate all laboratory testing, except research, performed on humans in the United States.

suppliers, but those researchers and the people working with them are not buying “ready-made” clinical diagnostic products such as Meridian’s – they are buying life sciences components and then *building* in-house diagnostic assays themselves. The market is not the same for RUO life sciences components as it is for IVD clinical diagnostic tests.

11. One example of an RUO life science component Illumina sells is “DisplaceAce.” (Illumina sells DisplaceAce because it recently acquired Epicentre Technologies Corporation, a research tool company that sells enzymes and other components for life science applications). DisplaceAce is Epicentre’s trademark name for *Bacillus stearothermophilus* DNA Polymerase (Bst), an enzyme that has been known for more than 30 years. This enzyme is also available from other research tool companies that are selling RUO components – New England BioLabs for example. Illumina is incorrect in saying that ILLUMIGENE cannot be sold without DisplaceAce enzyme. When Illumina told Meridian that it would cut off Meridian’s supply of DisplaceAce, Meridian easily replaced its source through another supplier of a substantially equivalent recombinant Bst DNA Polymerase.

12. I understand that Illumina has now received FDA Approval for one IVD product, namely the “Illumina Veracode® Genotyping Test for Factor V and Factor II” (the “Veracode® Genotyping Test”). That product, too, is very different from Meridian’s ILLUMIGENE products and ILLUMIPRO and ILLUMIPRO-10 readers.

13. The Veracode® Genotyping Test is based on nucleic acid amplification and solid-phase hybridization technology to detect single nucleotide polymorphisms (SNPs) that cause human inherited diseases (coagulation factors in that case), and it has nothing to do with infectious disease or microbiology laboratories. From a technical standpoint, users of the Veracode® Genotyping Test are interested in human single nucleotide polymorphism (i.e. a genetic mutation thought to be responsible for a given disease state), not detection of infectious diseases through amplification in a closed tube molecular assay, as with ILLUMIGENE, ILLUMIPRO and ILLUMIPRO-10. The technology platforms are entirely separate and

fundamentally different. In essence, the Veracode technology is very similar to the xTAG technology that is developed and commercialized by Luminex Inc.

14. Meridian's ILLUMIGENE, ILLUMIPRO and ILLUMIPRO-10 products are wholly unrelated to Illumina's Veracode® Genotyping Test, and the two technologies cannot be used together or combined in any way. Illumina's BeadXPress instrument cannot be used with Meridian's ILLUMIGENE tests. Meridian's ILLUMIPRO and ILLUMIPRO-10 machines cannot be used with the Illumina's Veracode® Genotyping Test or any of Illumina's other products.

15. Because of the function and focus of the Veracode® Genotyping Test, users of that test would be in departments such as Hematology or Human Genetics. This is in contrast to users of Meridian's ILLUMIGENE clinical diagnostics products, which would be used in departments such as Infectious Diseases, Virology, or Microbiology. Analyzing human genetics is a totally separate field from detecting infectious diseases.

The Goods And Services Recitations in Meridian's and Illumina's Trademark Applications Describe Different Products and Services Marketed to Different Consumers.

16. I have reviewed the goods and services recitations in the applications for trademark registration submitted by Meridian for its ILLUMIGENE mark, ILLUMIGENE design & mark, ILLUMIPRO mark, and ILLUMIPRO-10 mark. I have also reviewed the goods and services recitations in the registrations owned by Illumina for its ILLUMINA mark. The goods and services recitations in Meridian's and Illumina's applications are technically complex, and the nature of the products and services described therein cannot be understood by someone without the requisite scientific background. My education and experience, described above, allow me to interpret the scientific and technological terms and to understand the concepts being described.

17. Moreover, to someone with skill in these scientific fields, Illumina's recitations of products and services are extremely vague, and understanding their meaning requires

knowledge about Illumina's actual activity in the marketplace and product offerings as context. I will discuss this in more detail below.

18. Meridian's recitation of goods is the same for the ILLUMIGENE mark and the ILLUMIGENE design & mark: "Diagnostic kits consisting of molecular assays for use in disease testing and treatment of gastrointestinal, viral, urinary, respiratory and infectious diseases." One with applicable scientific education and/or experience would understand this recitation to describe IVD products because the goods described are "*diagnostic kits*" that are to be used in "testing *and treatment*." Moreover, the term "molecular assays" in this context would be interpreted by one with skill in the field to mean an amplification/detection test for microbial, viral or other disease-causing agents.

19. Meridian's recitation of goods is the same for the ILLUMIPRO and ILLUMIPRO-10 marks: "Diagnostic machine, namely, a stand alone closed heater and turbidity meter to be used for the amplification and detection of a closed tube molecular assay." One with applicable scientific education and/or experience would understand this recitation to describe machines to read IVD products because it discusses a "*diagnostic machine*" used in "a closed tube molecular assay" for "amplification and detection." To one skilled in the field, these words mean that the tests being run are used for detection of disease in patients (as opposed to analysis for research). The "amplification and detection" in such an assay keys one with the requisite knowledge to know this.

20. To someone with applicable scientific education and/or experience, Illumina's recitations of goods and services in its ILLUMINA trademark applications provide a stark contrast to Meridian's recitations of goods, indicating that the goods and services at issue are in a different field of medical endeavor from Meridian's with different interested consumers.

21. Illumina's first filed recitation of goods and services for the ILLUMINA mark is "Developing, to the order and specification of others, biological and/or chemical sensing systems which use random array technology to identify inorganic and organic molecules,

compounds and substances.” One of skill in the field would understand immediately that ILLUMINA is describing the development of complex custom equipment made “to the order and specification of others” and using “random array technology.” He or she would recognize that nothing in Meridian’s trademark applications refers to any good or service that would use “random array technology,” and that ILLUMINA products are in a different field of endeavor with different consumers, who are looking not for IVD tests and readers of those tests, but rather for custom-made research equipment – certainly RUO products, not IVD products.

22. The ILLUMINA mark has two more applications associated with it, with three additional recitations of goods and services: (1) “Scientific equipment and instruments, namely scanners, hybridization stations and fluidics delivery and computer systems sold as a unit and cassettes containing molecular sensing optical fiber bundles for analyzing cells, proteins, nucleic acids and other molecules of 50 to 10,000 dalton, sequencing dna, genotype, gene expression profiling and high through-put screening”; (2) “Chemicals, namely reagents for scientific or medical research use for analyzing cells, proteins, nucleic acids and other molecules of 50 to 10,000 daltons, sequencing dna, genotyping, gene expression profiling and high through-put screening”; and (3) “Scientific and medical research, namely, analysis of cells, proteins, nucleic acids and other molecules of 50 to 10,000 daltons, sequencing dna, genotyping, gene expression profiling and high through-put screening.”

23. All of these additional recitations tell one of skill in the field that the products being discussed are RUO, not IVD, and are not similar to the products described in Meridian’s recitations. The first recitation describes types of equipment that are used in scientific research, and “cassettes” specifically including “molecular sensing optical fiber bundles.” To someone with the applicable scientific knowledge, this type of “molecular sensing” using “optical fiber bundles” stands in a stark contrast to Meridian’s “molecular assays” using “heat” and “turbidity.” Illumina’s recited products are for research, and specifically for “analyzing” the genetic material at issue –that is, specifically identifying and characterizing it -- not amplification and detection as

with Meridian's products. The two types of tests have critically different functions and contexts, with different consumers who would be interested in them.

24. Similarly, the other two additional recitations of goods and services in the trademark applications for ILLUMINA are quite clearly RUO products and services, when read by someone with applicable scientific education and/or experience. They are specifically limited to "research use" and "scientific and medical research." Other than that, when read by someone with skill in the field, these recitations are extremely vague, such that one would need to know more about Illumina's actual activities to understand what particular products and services they mean.

25. Considering Illumina's actual activity in the marketplace at the time of these applications and the first uses claimed in the applications (2000-2003), and up through the 2008-2009 timeframe discussed above, one with the applicable scientific background would understand that these recitations describe the detailed study and characterization of human genetic material in scientific research. Again, the consumers interested in such goods and services are dramatically different from the consumers who are interested in clinical diagnostic tests to detect infectious disease – that is, Meridian's ILLUMIGENE products.

Pursuant to 37 C.F.R. § 2.20, the undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Executed on _____, 2012.

Vecheslav A. Elagin

with Meridian's products. The two types of tests have critically different functions and contexts, with different consumers who would be interested in them.

24. Similarly, the other two additional recitations of goods and services in the trademark applications for ILLUMINA are quite clearly RUO products and services, when read by someone with applicable scientific education and/or experience. They are specifically limited to "research use" and "scientific and medical research." Other than that, when read by someone with skill in the field, these recitations are extremely vague, such that one would need to know more about Illumina's actual activities to understand what particular products and services they mean.

25. Considering Illumina's actual activity in the marketplace at the time of these applications and the first uses claimed in the applications (2000-2003), and up through the 2008-2009 timeframe discussed above, one with the applicable scientific background would understand that these recitations describe the detailed study and characterization of human genetic material in scientific research. Again, the consumers interested in such goods and services are dramatically different from the consumers who are interested in clinical diagnostic tests to detect infectious disease – that is, Meridian's ILLUMIGENE products.

Pursuant to 37 C.F.R. § 2.20, the undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Executed on June 27, 2012.

A handwritten signature in black ink, appearing to read 'A. Elagin', is written over a horizontal line.

Vecheslav A. Elagin

Exhibit C: Declaration of Paul A. Granato

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL APPEAL BOARD**

ILLUMINA, INC.,)	
)	Opposition No. 91194218 (parent)
)	Ser. No. 77/768176
Opposer/Petitioner,)	
)	Opposition No. 91194219
-v-)	Ser. No. 77/775316
)	
MERIDIAN BIOSCIENCE, INC.,)	Cancellation No. 92053479
)	Reg. No. 3887164
Applicant/Registrant.)	
)	Cancellation No. 92053482
)	Reg. No. 3868081
)	

**DECLARATION OF PAUL A. GRANATO, PH. D., IN SUPPORT OF APPLICANT /
REGISTRANT'S MEMORANDUM IN OPPOSITION TO
OPPOSER / PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

I, Paul A. Granato, hereby state and declare as follows:

1. My name is Paul A. Granato, I am over eighteen (18) years of age, and I have personal knowledge of the facts stated in this Declaration.
2. In 1967, I earned a Bachelors degree in biology from LeMoyne College in Syracuse, New York. In 1971, I earned my doctorate in Microbiology from Syracuse University in Syracuse, New York. I was a post-doctoral fellow in Clinical Microbiology from 1971 to 1973 at Columbia University, College of Physicians and Surgeons, in New York, New York.
3. I am currently the Director of Microbiology at the Laboratory Alliance of Central New York, located in Liverpool, New York. As Director of Microbiology, I am responsible for the operational activities and diagnostic testing for this full service laboratory that provides diagnostic testing in the areas of bacteriology, virology, mycology, parasitology, and myco-bacteriology. Importantly, my responsibilities also include the evaluation and implementation of new molecular PCR and microarray technologies for the diagnosis of infectious diseases. These services are provided 24 hours each day with a staff of 40 FTE.
4. I am also a professor of pathology at SUNY Upstate Medical University.

5. Among other duties, I am involved in the purchasing decisions for clinical diagnostics products and other products in my laboratory. My laboratory is a consumer of Meridian's clinical diagnostics products, including Meridian's ILLUMIGENE molecular diagnostic tests.

6. In the past, among other positions, I have served as Clinical Microbiologist in the Crouse Irving Memorial Hospital in Syracuse, New York (August 1986 – June 1993); Chief of Microbiology of the V.A. Medical Center in Syracuse, New York (September 1976 – August 1986); and Assistant Clinical Professor in the Department of Laboratory Medicine at the University of Connecticut Medical School in Farmington, Connecticut (September 1973-September 1976).

7. Through my current and past work experiences, I am very familiar with the processes by which clinical laboratories identify the need for products, select products to purchase, and arrange contracts for purchase prices with the companies who market the products. The general purchasing process and the types of people or departments involved are similar in the various laboratories in which I have worked and in others that I have observed.

Purchasing Products in a Clinical Diagnostics Laboratory

8. The typical situation which I describe below is true of my current laboratory and the other laboratories in which I have worked.

9. There are typically several specializations within a Clinical Diagnostics Laboratory, including for example Microbiology, Chemistry, Hematology, Special Chemistry, and/or others. Each department has a manager or supervisor.

10. The manager/supervisor of each department may have products that he or she identifies as needed for the department's work. The manager/supervisor gives the product description, or often a catalog number and supplier name, to a purchasing agent or the laboratory's purchasing department. The purchasing agent or purchasing department will locate a supplier for the product and place an order under a pre-negotiated contract with the supplier

that includes set pricing. Sometimes, for products that are known to be needed in a certain quantity on a regular basis, standing orders will be set up without the need for separate purchase orders that would otherwise be required each week or each month. Again, such products are covered by a pre-negotiated contract that includes pricing.

11. Purchasing departments or purchasing agents are typically responsible for selecting manufacturers and distributors and negotiating contracts with them, under which individual orders for products are placed. The managers/supervisors of the laboratory departments request the products that are needed, but the purchasing personnel of the laboratory typically choose the vendor to supply the products and set up the contracts, if more than one vendor provides the same product.

12. When there is more than one vendor of the type of product that a purchasing agent needs to procure, he or she will usually solicit bids from the multiple vendors and select the best overall option. The selection is largely based on price, but other factors in the decision may include responsibility and reliability of the vendor, from reputation or past experience.

13. Laboratory managers/supervisors and purchasing departments or agents are often aware of vendors and their available product lines from being contacted personally by sales representatives from the vendors. In this context, Meridian and Illumina are the “vendors” or “suppliers.”

The Sophistication and Attention Level of Purchasers in a Clinical Laboratory

14. Everyone in a Clinical Diagnostics Laboratory who is responsible for requesting or purchasing products is well-educated and highly sophisticated.

15. The laboratory managers/supervisors typically have specialized post-grad scientific education, and are experienced with requesting products for the laboratory and familiar with the products that are available and their sources.

16. The very great majority purchasing agents of Clinical Diagnostics Laboratories have a college education and specialize in sourcing products, soliciting bids, negotiating pricing

contracts, and purchasing products. They are typically experienced in purchasing for medical institutions and are intimately familiar with the manufacturers and suppliers in the market and the products that they supply.

17. In the field of Microbiology within a Clinical Diagnostics Laboratory, the managers/supervisors and purchasing agents are usually very familiar with what diagnostic tests are available for various infectious diseases and what companies provide or offer those tests. It is their job to know, and although some of the product names are complex, and although some of the product names are similar to one another, they are repeated with enough frequency that they are thoroughly learned.

18. For department managers/supervisors, it is a job requirement to be well informed about the products available, the names of those products, and the companies that make them.

19. Both the laboratory managers/supervisors and the purchasing agents in a Clinical Diagnostics Laboratory pay close attention to the products that they buy and the sources of those products. To order a product, they must first know the source(s) of it, so that they can purchase it under the pre-negotiated contract or solicit one or more bids for a new contract. They pay attention to these sources and product names.

The Significance of Company Names and Full Product Names in a Clinical Laboratory.

20. Personnel at Clinical Diagnostics Laboratories, including the department managers/supervisors and purchasing agents discussed above, are accustomed to the names of different medical products sounding similar to one another, or sharing identical beginnings but different endings, or *vice versa*. Naming conventions such as these are not uncommon in the industry.

21. The people who impact purchasing decisions pay close attention to the full words in a product name, including the endings of the words, and also have a keen awareness of the company names that are suppliers of the products they purchase. When they are requesting or ordering products, they focus on and use the name of the supplier of the product as well as the

full name of the product itself. They know that mistakes in medical supplies orders are potentially very costly, and they proceed carefully and according to the purchasing process, not impulsively or in a great hurry.

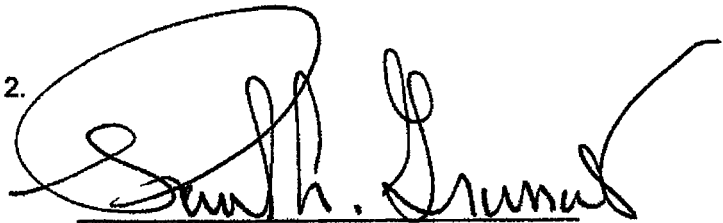
22. Without the name of the supplier, purchasing agents could not order the products under the negotiated contract. To make orders, they first locate the supplier who offers the product that has been requested, and then place the order. If they encounter a product name without an accompanying name of the supplier of the product, they will look up the name of the supplier and ensure that it is the right company. The contracts negotiated between the laboratory and the supplier are negotiated carefully and cover the particular products that the supplier has available, assigning pricing to each. Products are then ordered pursuant to these negotiated contracts, with the name of the supplier firmly identified and in mind at the time that products are ordered.

23. By way of example, if someone working in my Microbiology Lab needs a test for *Clostridium difficile*, and does not already have one, he may research available options or consult with marketing material received from vendors. If, for example, he wants to order and use the ILLUMIGENE product, he will contact his purchasing agent and request that the ILLUMIGENE product be ordered. If the Microbiology Lab does not currently order the ILLUMIGENE product, the purchasing agent will look up the vendor that supplies that product. When the purchasing agent determines that Meridian is the vendor, the purchasing agent will check to see whether the Laboratory has an existing vendor contract with Meridian. Finding that we do, the purchasing agent will then arrange for the purchase of ILLUMIGENE test kits from Meridian. Unless another vendor also offers an ILLUMIGENE or similar-sounding product for

the same purpose – here, to test for the presence of *Clostridium difficile* – the purchasing agent will not be confused as to what she is ordering and/or who she should be ordering it from.

Pursuant to 37 C.F.R. § 2.20, the undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Executed on June 29, 2012.

A handwritten signature in black ink, appearing to read "Paul A. Granato", written over a horizontal line.

Paul A. Granato, Ph.D., DABMM, FAAM

Exhibit D: ILLUMI-marks

MARK	OWNER	SERIAL/REG. NO.
ILUMITY	Intelgenx Corporation	77/922107
ILUMERIA	PTC Therapeutics, Inc.	77/798655
ILUMA	3M Company	3285869
ILLUMINOSS MEDICAL	IlluminOss Medical, Inc.	3955181
ILLUMINOSS	IlluminOss Medical, Inc.	3951065
ILLUMINATE THE CHANGE	Hitachi Aloka Medical, Ltd.	3734384
ILLUMINATE	Softek Solutions, Inc.	3608560
ILLUMINA	Cambridge Scientific Abstracts	3612772
ILLUMENA	Liebel-Flarsheim Company	2237169
ILLUMAVEIN	Pet Sugar Check LLC	3924018
ILLUM-A-FIELD	Innovation Pathology Concepts, Inc.	3162217
CSA ILLUMINA	Cambridge Scientific Abstracts	3612773

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:27:02 ET

Serial Number: 77922107 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

ILUMITY

(words only): ILUMITY

Standard Character claim: Yes

Current Status: A fourth request for extension of time to file a Statement of Use has been granted.

Date of Status: 2012-06-20

Filing Date: 2010-01-28

The Notice of Allowance Date is: 2010-08-10

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 111

Attorney Assigned:
WHITTAKER BROWN TRACY L

Current Location: 700 -Intent To Use Section

Date In Location: 2011-08-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Intelgenx Corporation

Address:

Intelgenx Corporation
6425 Abrams, Saint-Laurent
Quebec H4S 1X9
Canada

Legal Entity Type: Corporation**State or Country of Incorporation:** Canada

GOODS AND/OR SERVICES

International Class: 005**Class Status:** Active

Psychotropic preparations

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-06-21 - Notice Of Approval Of Extension Request E-Mailed

2012-06-20 - Extension 4 granted

2012-06-19 - Extension 4 filed

2012-06-19 - TEAS Extension Received

2012-03-28 - Notice Of Approval Of Extension Request E-Mailed

2012-03-27 - Extension 3 granted

2012-02-06 - Extension 3 filed

2012-02-06 - TEAS Extension Received

2012-02-06 - TEAS Change Of Correspondence Received

2011-08-20 - Notice Of Approval Of Extension Request E-Mailed
2011-08-19 - Extension 2 granted
2011-08-10 - Extension 2 filed
2011-08-19 - Case Assigned To Intent To Use Paralegal
2011-08-10 - TEAS Extension Received
2011-02-12 - Notice Of Approval Of Extension Request E-Mailed
2011-02-10 - Extension 1 granted
2011-02-10 - Extension 1 filed
2011-02-10 - TEAS Extension Received
2010-08-10 - NOA E-Mailed - SOU Required From Applicant
2010-06-15 - Official Gazette Publication Confirmation E-Mailed
2010-06-15 - Published for opposition
2010-05-11 - Law Office Publication Review Completed
2010-05-11 - Assigned To LIE
2010-04-29 - Approved For Pub - Principal Register
2010-04-28 - Assigned To Examiner
2010-02-02 - New Application Office Supplied Data Entered In Tram
2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Gunther J. Evanina

Correspondent

GUNTHER J. EVANINA

BUTZEL LONG

110 W. MICHIGAN AVENUE

SUITE 1100

LANSING, MI 48933

Phone Number: 517-372-6622

Fax Number: 517-372-6672

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:19:05 ET

Serial Number: 77798655 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

ILUMERNA

(words only): ILUMERNA

Standard Character claim: Yes

Current Status: A third request for extension of time to file a Statement of Use has been granted.

Date of Status: 2012-01-27

Filing Date: 2009-08-06

The Notice of Allowance Date is: 2010-08-17

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 111

Attorney Assigned:
FOSDICK GEOFFREY A

Current Location: 700 -Intent To Use Section

Date In Location: 2011-08-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. PTC Therapeutics, Inc.

Address:

PTC Therapeutics, Inc.
100 Corporate Court
South Plainfield, NJ 07080
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 005**Class Status:** Active

PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF GENETIC DISORDERS

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-01-28 - Notice Of Approval Of Extension Request E-Mailed

2012-01-27 - Extension 3 granted

2012-01-25 - Extension 3 filed

2012-01-25 - TEAS Extension Received

2011-08-12 - Notice Of Approval Of Extension Request E-Mailed

2011-08-11 - Extension 2 granted

2011-07-25 - Extension 2 filed

2011-08-11 - Case Assigned To Intent To Use Paralegal

2011-07-25 - TEAS Extension Received

2011-01-11 - Notice Of Approval Of Extension Request E-Mailed
2011-01-07 - Extension 1 granted
2011-01-07 - Extension 1 filed
2011-01-07 - TEAS Extension Received
2010-08-17 - NOA E-Mailed - SOU Required From Applicant
2010-06-22 - Official Gazette Publication Confirmation E-Mailed
2010-06-22 - Published for opposition
2010-05-19 - Law Office Publication Review Completed
2010-05-18 - Assigned To LIE
2010-05-10 - Approved For Pub - Principal Register
2010-05-06 - Teas/Email Correspondence Entered
2010-05-05 - Communication received from applicant
2010-05-05 - TEAS Response to Office Action Received
2009-11-11 - Notification Of Non-Final Action E-Mailed
2009-11-11 - Non-final action e-mailed
2009-11-11 - Non-Final Action Written
2009-11-10 - Assigned To Examiner
2009-08-10 - New Application Office Supplied Data Entered In Tram
2009-08-10 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Ilene B. Tannen

Correspondent

ILENE B. TANNEN

JONES DAY

222 E 41ST ST FL 2

NEW YORK, NY 10017

Phone Number: 212-326-3939

Fax Number: 212-755-7306

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:18:53 ET

Serial Number: 78832809 Assignment Information Trademark Document Retrieval

Registration Number: 3285869

Mark

ILUMA

(words only): ILUMA

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2007-08-28

Filing Date: 2006-03-08

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2007-08-28

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-08-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 3M COMPANY**Address:**

3M COMPANY
3M CENTER, 2501 HUDSON ROAD
ST. PAUL, MN 55144
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

X-RAY CT SCANNERS FOR DENTAL AND ENT PROFESSIONALS

Basis: 1(a)**First Use Date:** 2005-08-01**First Use in Commerce Date:** 2005-09-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-12-29 - Automatic Update Of Assignment Of Ownership

2007-08-28 - Registered - Principal Register

2007-06-12 - Published for opposition

2007-05-23 - Notice of publication

2007-04-11 - Law Office Publication Review Completed

2007-04-11 - Approved for Pub - Principal Register (Initial exam)

2007-03-31 - Amendment From Applicant Entered

2007-03-31 - Communication received from applicant

2007-03-31 - Assigned To LIE

2007-02-26 - FAX RECEIVED

2006-08-24 - Non-final action e-mailed

2006-08-24 - Non-Final Action Written

2006-08-24 - Assigned To Examiner

2006-03-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Derrick W. Harvey

Correspondent

DERRICK W. HARVEY

HARVEY CONSULTING, P.C.

P.O. BOX 6568

NORMAN, OK 73070

Phone Number: 580.220.9374

Fax Number: 580.223.4561

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:18:42 ET

Serial Number: 77097756 Assignment Information Trademark Document Retrieval

Registration Number: 3955181

Mark

IlluminOss Medical

(words only): ILLUMINOSS MEDICAL

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-05-03

Filing Date: 2007-02-02

Transformed into a National Application: No

Registration Date: 2011-05-03

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-03-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. IlluminOss Medical, Inc.

Address:

IlluminOss Medical, Inc.
993 Waterman Avenue
East Providence, RI 02914
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Medical devices and instruments, namely, medical devices and surgical instruments for use in orthopedic and trauma surgical procedures

Basis: 1(a)**First Use Date:** 2008-12-10**First Use in Commerce Date:** 2011-02-10

ADDITIONAL INFORMATION

Disclaimer: "MEDICAL "

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-05-03 - Registered - Principal Register

2011-03-29 - Notice Of Acceptance Of Statement Of Use E-Mailed

2011-03-28 - Law Office Registration Review Completed

2011-03-17 - Allowed for Registration - Principal Register (SOU accepted)

2011-02-22 - Statement Of Use Processing Complete

2011-02-11 - Use Amendment Filed

2011-02-11 - TEAS Statement of Use Received

2010-10-19 - Notice Of Approval Of Extension Request E-Mailed

2010-10-18 - Extension 5 granted
2010-10-12 - Extension 5 filed
2010-10-12 - TEAS Extension Received
2010-04-20 - Notice Of Approval Of Extension Request E-Mailed
2010-04-19 - Extension 4 granted
2010-04-07 - Extension 4 filed
2010-04-07 - TEAS Extension Received
2009-10-13 - Extension 3 granted
2009-10-08 - Extension 3 filed
2009-10-08 - TEAS Extension Received
2009-04-17 - Extension 2 granted
2009-04-15 - Extension 2 filed
2009-04-15 - TEAS Extension Received
2008-10-17 - Extension 1 granted
2008-10-15 - Extension 1 filed
2008-10-17 - Case Assigned To Intent To Use Paralegal
2008-10-15 - TEAS Extension Received
2008-04-15 - NOA Mailed - SOU Required From Applicant
2008-01-22 - Published for opposition
2008-01-02 - Notice of publication
2007-12-19 - Law Office Publication Review Completed
2007-12-19 - Assigned To LIE
2007-11-09 - Approved For Pub - Principal Register
2007-11-08 - Teas/Email Correspondence Entered
2007-11-08 - Communication received from applicant
2007-11-08 - TEAS Response to Office Action Received

2007-05-22 - Non-final action e-mailed

2007-05-22 - Non-Final Action Written

2007-05-22 - Assigned To Examiner

2007-02-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

David J. Dykeman

Correspondent

DAVID J. DYKEMAN
GREENBERG TRAURIG, LLP
1 INTERNATIONAL PL
BOSTON, MA 02110-2602
Phone Number: 617-310-6009
Fax Number: 617-897-0909

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:18:32 ET

Serial Number: 77097737 Assignment Information Trademark Document Retrieval

Registration Number: 3951065

Mark

IlluminOss

(words only): ILLUMINOSS

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-04-26

Filing Date: 2007-02-02

Transformed into a National Application: No

Registration Date: 2011-04-26

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-03-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. IlluminOss Medical, Inc.

Address:

IlluminOss Medical, Inc.
993 Waterman Ave
East Providence, RI 02914
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Medical devices and instruments, namely, medical devices and surgical instruments for use in orthopedic and trauma surgical procedures

Basis: 1(a)**First Use Date:** 2008-12-10**First Use in Commerce Date:** 2011-02-10

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-04-26 - Registered - Principal Register

2011-03-22 - Notice Of Acceptance Of Statement Of Use Mailed

2011-03-21 - Law Office Registration Review Completed

2011-03-21 - Assigned To LIE

2011-03-16 - Assigned To LIE

2011-02-28 - Allowed for Registration - Principal Register (SOU accepted)

2011-02-15 - Statement Of Use Processing Complete

2011-02-11 - Use Amendment Filed

2011-02-11 - TEAS Statement of Use Received

2010-08-24 - Notice Of Approval Of Extension Request Mailed

2010-08-23 - Extension 5 granted

2010-08-10 - Extension 5 filed

2010-08-10 - TEAS Extension Received

2010-03-16 - Notice Of Approval Of Extension Request Mailed

2010-03-15 - Extension 4 granted

2010-02-10 - Extension 4 filed

2010-03-15 - Case Assigned To Intent To Use Paralegal

2010-02-10 - TEAS Extension Received

2009-08-17 - Extension 3 granted

2009-08-11 - Extension 3 filed

2009-08-11 - TEAS Extension Received

2009-02-04 - Extension 2 granted

2009-02-04 - Extension 2 filed

2009-02-04 - TEAS Extension Received

2008-08-21 - Extension 1 granted

2008-08-12 - Extension 1 filed

2008-08-21 - Case Assigned To Intent To Use Paralegal

2008-08-12 - TEAS Extension Received

2008-02-12 - NOA Mailed - SOU Required From Applicant

2007-11-20 - Published for opposition

2007-10-31 - Notice of publication

2007-10-15 - Law Office Publication Review Completed

2007-10-15 - Assigned To LIE

2007-09-14 - Approved For Pub - Principal Register

2007-09-13 - Teas/Email Correspondence Entered
2007-09-12 - Communication received from applicant
2007-09-12 - TEAS Request For Reconsideration Received
2007-09-04 - Notification Of Final Refusal Emailed
2007-09-04 - Final refusal e-mailed
2007-09-04 - Final Refusal Written
2007-08-15 - Teas/Email Correspondence Entered
2007-08-15 - Communication received from applicant
2007-08-15 - TEAS Response to Office Action Received
2007-05-22 - Non-final action e-mailed
2007-05-22 - Non-Final Action Written
2007-05-22 - Assigned To Examiner
2007-02-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

David J. Dykeman

Correspondent

David J. Dykeman
GREENBERG TRAURIG LLP
1 INTERNATIONAL PL
BOSTON MA 02110-2602
Phone Number: 617-310-6009
Fax Number: 617-897-0909

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:18:06 ET

Serial Number: 79060967 Assignment Information Trademark Document Retrieval

Registration Number: 3734384

Mark

Illuminate the Change

(words only): ILLUMINATE THE CHANGE

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-01-05

Filing Date: 2008-08-07

Transformed into a National Application: No

Registration Date: 2010-01-05

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-01-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hitachi Aloka Medical, Ltd.

Address:

Hitachi Aloka Medical, Ltd.
6-22-1, Mure, Mitaka-shiTokyo 181-8622
Japan

Legal Entity Type: Corporation

State or Country of Incorporation: Japan

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

Radiation detectors; gamma rays or neutron rays detectors; electric or magnetic meters and testers; radiation element disintegration speed detectors; radiation analyzers; radiation measuring devices; radioactivity measuring devices; luminescence measuring devices; other measuring apparatus and instruments, namely, densitometers for measuring bone mineral content and density; DNA amplifiers; DNA synthesizers; DNA sequencers; DNA analyzers; automatic pipettes for laboratory experiments; automatic biological tissue processing units for pathology research; immunity test and evaluation devices for laboratory experiments; fiber optic instruments for surgical and diagnostic use

Basis: 66(a)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

International Class: 010**Class Status:** Active

Ultrasonic diagnostic apparatus; medical ultrasonic probes; medical ultrasonic bone density measuring devices; nuclear medicine diagnostic imaging apparatus; brain magnetic meters and testers; biogenic magnetic meters for medical use; ultrasonic surgical apparatus, namely, aspirator for disintegration and removal of tissues and devices for coagulation of tissue and blood vessels; laser surgical apparatus and instruments for medical use; surgical apparatus and instruments; medical radiation bone density measuring devices; medical radiation bone mineral density measuring devices; medical radioactivity measuring devices; medical radiation measuring devices; medical radiation apparatus for diagnostic use; medical radiation detectors; medical biogenic element analyzers; medical blood analyzers; automatic pipettes for blood examination; diagnostic apparatus for testing and evaluating immunity for medical use; medical automatic pipettes; clinico-pathological and clinical chemical test preprocessors consisting of centrifuges, racks, dispensers, liquid volume monitors and pressure-sensor detectors, and labeling equipment for medical diagnostic purposes in the nature of patient specimen analysis, specimen separation and specimen aliquotting; other medical apparatus and instruments, namely, CT and X-ray scanners

Basis: 66(a)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

MADRID PROTOCOL INFORMATION

International Registration Number: 0982279**International Registration Date:** 2008-08-07**Priority Claimed:** Yes**Date of Section 67 Priority Claim:** 2008-07-14**International Registration Status:** Request For Extension Of Protection Processed**Date of International Registration Status:** 2008-11-27**International Registration Renewal Date:** 2018-08-07**Notification of Designation Date:** 2008-11-27**Date of Automatic Protection:** 2010-05-27**Date International Registration Cancelled:** (DATE NOT AVAILABLE)**First Refusal:** Yes

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-09-30 - Change Of Name/Address Rec'D From IB
2011-08-12 - New Representative At IB Received
2010-05-03 - Final Disposition Notice Sent To IB
2010-05-03 - Final Disposition Processed
2010-04-05 - Final Disposition Notice Created, To Be Sent To IB
2010-01-05 - Registered - Principal Register
2009-11-27 - Extension Of Time To Oppose Process - Terminated
2009-07-27 - Extension Of Time To Oppose Received
2009-07-14 - Published for opposition
2009-06-24 - Notice of publication
2009-06-08 - Law Office Publication Review Completed
2009-06-08 - Assigned To LIE
2009-06-05 - Approved for Pub - Principal Register (Initial exam)
2009-06-04 - Teas/Email Correspondence Entered
2009-06-04 - Communication received from applicant
2009-06-04 - TEAS Response to Office Action Received
2009-04-29 - Attorney Revoked And/Or Appointed
2009-04-29 - TEAS Revoke/Appoint Attorney Received
2009-01-22 - Refusal Processed By IB
2008-12-09 - Non-Final Action Mailed - Refusal Sent To IB
2008-12-09 - Refusal Processed By MPU
2008-12-08 - Non-Final Action (Ib Refusal) Prepared For Review
2008-12-07 - Non-Final Action Written
2008-12-02 - Application Filing Receipt Mailed
2008-11-28 - Assigned To Examiner
2008-11-28 - New Application Entered In Tram
2008-11-27 - Sn Assigned For Sect 66a Appl From IB

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Howard N. Aronson

Correspondent

Howard N. Aronson

Lackebach Siegel LLP

Lackebach Siegel Building

One Chase Road

Scarsdale NY 10583

Phone Number: 914-723-4300

Fax Number: 914-723-4301

Domestic Representative

Howard N. Aronson, Esq.

Phone Number: 914-723-4300

Fax Number: 914-723-4301

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:17:56 ET

Serial Number: 77562892 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3608560

Mark

ILLUMINATE

(words only): ILLUMINATE

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-04-21

Filing Date: 2008-09-04

Transformed into a National Application: No

Registration Date: 2009-04-21

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-04-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Softek Solutions, Inc.

Address:

Softek Solutions, Inc.
Suite 100 4500 W. 89th St.
Prairie Village, KS 66207
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Kansas

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

Computer software for managing patient medical information; computer software for indexing, searching, displaying, and managing electronic health records and electronic medical records; computer software for indexing, searching, displaying, and managing radiology images, radiology examinations, radiology reports, radiology data, and patient data

Basis: 1(a)**First Use Date:** 2008-04-01**First Use in Commerce Date:** 2008-04-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-12-22 - TEAS Change Of Correspondence Received

2009-04-21 - Registered - Principal Register

2009-02-03 - Published for opposition

2009-01-14 - Notice of publication

2008-12-29 - Law Office Publication Review Completed

2008-12-29 - Assigned To LIE

2008-12-16 - Approved for Pub - Principal Register (Initial exam)

2008-12-09 - Assigned To Examiner

2008-09-10 - Notice Of Pseudo Mark Mailed

2008-09-09 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

James M. Stipek

Correspondent

Matthew J. Smith

Polsinelli Shughart PC

Suite 1000

100 South Fourth Street

St. Louis MO 63102

Phone Number: 314-889-8000

Fax Number: 314-231-1776

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:17:44 ET

Serial Number: 76607167 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3612772

Mark

ILLUMINA

(words only): ILLUMINA

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-04-28

Filing Date: 2004-08-16

Transformed into a National Application: No

Registration Date: 2009-04-28

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-03-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Cambridge Scientific Abstracts

Composed Of:

Cambridge Information Group, Inc., a corporation of the State of Maryland

Address:

Cambridge Scientific Abstracts
7200 Wisconsin Avenue
Bethesda, MD 20814
United States

Legal Entity Type: Limited Partnership

State or Country Where Organized: Maryland

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

Providing temporary use on online non-downloadable software that enables the user to build and execute an online search of research databases

Basis: 1(a)

First Use Date: 2004-12-16

First Use in Commerce Date: 2004-12-16

ADDITIONAL INFORMATION

Translation: The wording "ILLUMINA" has no meaning in a foreign language.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-02 - Assignment Of Ownership Not Updated Automatically

2010-09-29 - Assignment Of Ownership Not Updated Automatically

2009-08-07 - Attorney Revoked And/Or Appointed

2009-08-07 - TEAS Revoke/Appoint Attorney Received

2009-04-28 - Registered - Principal Register

2009-03-23 - Law Office Registration Review Completed

2009-03-20 - Allowed for Registration - Principal Register (SOU accepted)

2009-03-04 - Statement Of Use Processing Complete

2009-02-13 - Use Amendment Filed

2009-03-04 - Case Assigned To Intent To Use Paralegal
2009-02-13 - TEAS Statement of Use Received
2008-12-09 - NOA Mailed - SOU Required From Applicant
2008-09-16 - Published for opposition
2008-08-27 - Notice of publication
2008-08-12 - Law Office Publication Review Completed
2008-08-07 - Approved For Pub - Principal Register
2008-07-25 - Jurisdiction Restored To Examining Attorney
2008-04-29 - Ex parte appeal - Instituted
2008-04-29 - EXPARTE APPEAL RECEIVED AT TTAB
2007-10-29 - Final refusal mailed
2007-10-27 - Final Refusal Written
2007-09-27 - LIE Checked Susp - To Atty For Action
2007-04-18 - Assignment Of Ownership Not Updated Automatically
2006-12-16 - Report Completed Suspension Check Case Still Suspended
2006-12-16 - Assigned To LIE
2006-05-24 - Report Completed Suspension Check Case Still Suspended
2005-10-18 - Correspondence Mailed
2005-10-18 - Suspension Letter Written
2005-09-30 - Amendment From Applicant Entered
2005-09-23 - Communication received from applicant
2005-09-23 - PAPER RECEIVED
2005-03-23 - Non-final action mailed
2005-03-23 - Non-Final Action Written
2005-03-18 - Assigned To Examiner

2004-08-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Tsan Abrahamson

Correspondent

Tsan Abrahamson

Cobalt LLP

819 Bancroft Way

Berkeley CA 94710

Phone Number: 510-841-9800

Fax Number: 510-295-2401

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:17:24 ET

Serial Number: 75157235 Assignment Information Trademark Document Retrieval

Registration Number: 2237169

Mark (words only): ILLUMENA

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2009-12-11

Filing Date: 1996-08-28

Transformed into a National Application: No

Registration Date: 1999-04-06

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2009-12-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. LIEBEL-FLARSHEIM COMPANY

Address:

LIEBEL-FLARSHEIM COMPANY
2111 East Galbraith Road
Cincinnati, OH 45237
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

powered injectors for injecting contrast media into the body of a human or animal to facilitate imaging body organs and by radiography,, computed tomography, and the like; medical tubing for administration and draining of fluids; containers, namely, syringes; medical apparatus, namely, contrast media power injection operator consoles, console and injector power head mounts, and accessories, namely, extension and interconnect cables, remote switches, ECG interfaces and pre-amplifiers; syringe pressure jackets and heaters, and bottle holders; all for use in connection with such contrast media power injectors

Basis: 1(a)**First Use Date:** 1998-12-15**First Use in Commerce Date:** 1998-12-15

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-08-17 - Assignment Of Ownership Not Updated Automatically

2009-12-11 - First renewal 10 year

2009-12-11 - Section 8 (10-year) accepted/ Section 9 granted

2009-04-06 - Assigned To Paralegal

2009-04-02 - TEAS Section 8 & 9 Received

2009-03-03 - Case File In TIGRS

2006-05-06 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-05-06 - Assigned To Paralegal

2005-03-14 - Section 8 (6-year) and Section 15 Filed

2005-03-14 - TEAS Section 8 & 15 Received

2005-03-14 - Attorney Revoked And/Or Appointed

2005-03-14 - TEAS Revoke/Appoint Attorney Received
1999-04-06 - Registered - Principal Register
1999-02-12 - Allowed for Registration - Principal Register (SOU accepted)
1999-02-10 - Assigned To Examiner
1999-01-06 - Statement Of Use Processing Complete
1999-01-06 - Use Amendment Filed
1998-07-23 - Extension 1 granted
1998-07-06 - Extension 1 filed
1998-01-06 - NOA Mailed - SOU Required From Applicant
1997-10-14 - Published for opposition
1997-09-12 - Notice of publication
1997-08-15 - Approved For Pub - Principal Register
1997-07-10 - Communication received from applicant
1997-03-12 - Non-final action mailed
1997-02-27 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Kenneth D. Goetz

Correspondent

Kenneth D. Goetz

Covidien

675 McDonnell Boulevard

Hazelwood MO 63042

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:17:13 ET

Serial Number: 77878578 Assignment Information Trademark Document Retrieval

Registration Number: 3924018

Mark

ILLUMAVEIN

(words only): ILLUMAVEIN

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-02-22

Filing Date: 2009-11-23

Transformed into a National Application: No

Registration Date: 2011-02-22

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-01-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Pet Sugar Check LLC

Address:

Pet Sugar Check LLC
2528 Grand Avenue South
Minneapolis, MN 55405
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Minnesota

GOODS AND/OR SERVICES

International Class: 010

Class Status: Active

MEDICAL INSTRUMENTS, NAMELY, APPARATUS FOR TAKING BLOOD SAMPLES FROM ANIMALS

Basis: 1(a)

First Use Date: 2010-02-26

First Use in Commerce Date: 2010-02-26

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-02-22 - Registered - Principal Register

2011-01-15 - Notice Of Acceptance Of Statement Of Use E-Mailed

2011-01-14 - Law Office Registration Review Completed

2011-01-14 - Assigned To LIE

2010-12-18 - Allowed for Registration - Principal Register (SOU accepted)

2010-12-16 - Statement Of Use Processing Complete

2010-11-29 - Use Amendment Filed

2010-12-16 - Case Assigned To Intent To Use Paralegal

2010-11-29 - TEAS Statement of Use Received
2010-06-15 - NOA E-Mailed - SOU Required From Applicant
2010-04-20 - Official Gazette Publication Confirmation E-Mailed
2010-04-20 - Published for opposition
2010-03-17 - Law Office Publication Review Completed
2010-03-17 - Assigned To LIE
2010-03-01 - Approved For Pub - Principal Register
2010-03-01 - Assigned To Examiner
2009-11-27 - New Application Office Supplied Data Entered In Tram
2009-11-26 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Michael A. Bondi

Correspondent

MICHAEL A. BONDI
DICKE, BILLIG & CZAJA, PLLC
100 S 5TH ST STE 2250
MINNEAPOLIS, MN 55402-1235
Phone Number: (612) 573-2000
Fax Number: (612) 573-2005

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:16:52 ET

Serial Number: 78730308 Assignment Information Trademark Document Retrieval

Registration Number: 3162217

Mark

ILLUM-A-FIELD

(words only): ILLUM-A-FIELD

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2006-10-24

Filing Date: 2005-10-10

Transformed into a National Application: No

Registration Date: 2006-10-24

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-10-24

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Innovative Pathology Concepts, Inc.

Address:

Innovative Pathology Concepts, Inc.
6720 Chokeberry Road
Baltimore, MD 21209
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Maryland**Phone Number:** 4106020472**Fax Number:** 4106023977

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Surgical instruments, namely, scissors and forceps

Basis: 1(a)**First Use Date:** 2005-08-30**First Use in Commerce Date:** 2005-08-30

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-10-24 - Registered - Principal Register

2006-08-08 - Published for opposition

2006-07-19 - Notice of publication

2006-06-19 - Law Office Publication Review Completed

2006-06-02 - Assigned To LIE

2006-06-01 - Approved for Pub - Principal Register (Initial exam)

2006-06-01 - Amendment From Applicant Entered

2006-04-26 - Communication received from applicant

2006-04-26 - PAPER RECEIVED

2006-04-17 - Examiner's Amendment/Priority Action E-Mailed

2006-04-17 - Examiners Amendment And/Or Priority Action - Completed

2006-04-13 - Assigned To Examiner

2005-10-14 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

INNOVATIVE PATHOLOGY CONCEPTS, INC.

6720 CHOKEBERRY RD

BALTIMORE, MD 21209-1449

Phone Number: 410 602-0472

Fax Number: 410 602-3977

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:16:28 ET

Serial Number: 76607168 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3612773

Mark

CSA ILLUMINA

(words only): CSA ILLUMINA

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-04-28

Filing Date: 2004-08-16

Transformed into a National Application: No

Registration Date: 2009-04-28

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-03-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Cambridge Scientific Abstracts

Composed Of:

Cambridge Information Group, Inc., a corporation of the State of Maryland

Address:

Cambridge Scientific Abstracts
7200 Wisconsin Avenue
Bethesda, MD 20814
United States

Legal Entity Type: Limited Partnership**State or Country Where Organized:** Maryland

GOODS AND/OR SERVICES

International Class: 042**Class Status:** Active

Providing temporary use of online non-downloadable software that enables the user to build and execute an online search of research databases

Basis: 1(a)**First Use Date:** 2004-12-16**First Use in Commerce Date:** 2004-12-16

ADDITIONAL INFORMATION

Translation: The wording "ILLUMINA" in the mark has no meaning in a foreign language.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-02 - Assignment Of Ownership Not Updated Automatically

2010-09-29 - Assignment Of Ownership Not Updated Automatically

2009-08-07 - Attorney Revoked And/Or Appointed

2009-08-07 - TEAS Revoke/Appoint Attorney Received

2009-04-28 - Registered - Principal Register

2009-03-23 - Law Office Registration Review Completed

2009-03-20 - Allowed for Registration - Principal Register (SOU accepted)

2009-03-04 - Statement Of Use Processing Complete

2009-02-13 - Use Amendment Filed

2009-03-04 - Case Assigned To Intent To Use Paralegal

2009-02-13 - TEAS Statement of Use Received

2008-12-02 - NOA Mailed - SOU Required From Applicant

2008-09-09 - Published for opposition

2008-08-20 - Notice of publication

2008-08-07 - Law Office Publication Review Completed

2008-08-07 - Approved For Pub - Principal Register

2008-07-14 - Jurisdiction Restored To Examining Attorney

2008-04-29 - Ex parte appeal - Instituted

2008-04-29 - EXPARTE APPEAL RECEIVED AT TTAB

2007-10-29 - Final refusal mailed

2007-10-27 - Final Refusal Written

2007-09-27 - LIE Checked Susp - To Atty For Action

2007-04-18 - Assignment Of Ownership Not Updated Automatically

2006-12-16 - Report Completed Suspension Check Case Still Suspended

2006-12-16 - Assigned To LIE

2006-05-24 - Report Completed Suspension Check Case Still Suspended

2005-10-18 - Correspondence Mailed

2005-10-18 - Suspension Letter Written

2005-09-30 - Amendment From Applicant Entered

2005-09-23 - Communication received from applicant

2005-09-23 - PAPER RECEIVED

2005-03-23 - Non-final action mailed

2005-03-23 - Non-Final Action Written

2005-03-18 - Assigned To Examiner

2004-08-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Tsan Abrahamson

Correspondent

Tsan Abrahamson

Cobalt LLP

819 Bancroft Way

Berkeley CA 94710

Phone Number: 510-841-9800

Fax Number: 510-295-2401

Exhibit E: LUM-marks

MARK	OWNER	SERIAL/REG. NO.
LUMINEX	Luminex Corporation	3267571
LUMINOUS	Luminous Medical, Inc.	3788749
LUMINOCT	Sigma-Aldrich Biotechnology, LP	3703347
LUMINJECT	Transcodent GmbH & Co. KG	3587323
LUMINEXX	C.R. Bard, Inc.	2898765
LUMINENZ	Curemark, LLC	4080370
LUMINARY	Synthes, USA, LLC	3685524
LUMINANT	Integra Burlington MA, Inc.	3254140
LUMINANCE	Supermax, Inc.	3441239
LUMINAGE	Galderma, S.A.	3797966
LUMINADERM	NovaBiotics Limited	77/618375
LUMENOSCOPY	Zila, Inc.	3468420
LUMENIS	Lumenis, Ltd.	2891411
E.LUMINEXX	C.R. Bard, Inc.	3548273
CPS LUMINARY	Pacesetter, Inc.	3277930
ALUMINA	3Gen, LLC	3645978

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:21:55 ET

Serial Number: 77025198 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3267571

Mark

LUMINEX

(words only): LUMINEX

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2007-07-24

Filing Date: 2006-10-19

Transformed into a National Application: No

Registration Date: 2007-07-24

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-07-24

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Luminex Corporation

Address:

Luminex Corporation
12212 Technology Boulevard
Austin, TX 78727
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 001**Class Status:** Active

Diagnostic reagents and micro spheres for scientific or research use for conducting molecular analysis for healthcare, environmental, agricultural, diagnostic, and other applications

Basis: 1(a)**First Use Date:** 1997-03-17**First Use in Commerce Date:** 1997-03-17**International Class:** 005**Class Status:** Active

Diagnostic reagents and micro spheres for clinical or medical use for conducting molecular analysis for healthcare, environmental, agricultural, diagnostic, and other applications

Basis: 1(a)**First Use Date:** 1997-03-17**First Use in Commerce Date:** 1997-03-17**International Class:** 037**Class Status:** Active

Maintenance and repair services for laboratory instruments and parts therefor, and for biological and chemical test kits for use in the fields of life sciences, chemistry and medicine

Basis: 1(a)**First Use Date:** 1997-03-17**First Use in Commerce Date:** 1997-03-17

ADDITIONAL INFORMATION

Prior Registration Number(s):

2243135

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-06-15 - Attorney Revoked And/Or Appointed
2010-06-15 - TEAS Revoke/Appoint Attorney Received
2007-07-24 - Registered - Principal Register
2007-05-08 - Published for opposition
2007-04-18 - Notice of publication
2007-03-14 - Law Office Publication Review Completed
2007-03-13 - Assigned To LIE
2007-02-15 - Examiner's amendment mailed
2007-02-14 - Approved for Pub - Principal Register (Initial exam)
2007-02-14 - Examiner's Amendment Entered
2007-02-14 - Examiners Amendment - Written
2007-02-12 - Assigned To Examiner
2006-10-25 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

W. Scott Brown

Correspondent

W. Scott Brown
Vinson & Elkins L.L.P.
2500 First City Tower
1001 Fannin Street
Houston TX 77002-6760
Phone Number: 713-758-1105
Fax Number: 713-615-5803

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:22:41 ET

Serial Number: 78708924 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3788749

Mark

LUMINOUS

(words only): LUMINOUS

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-05-11

Filing Date: 2005-09-08

Transformed into a National Application: No

Registration Date: 2010-05-11

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-04-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. LUMINOUS MEDICAL, INC.

Address:

LUMINOUS MEDICAL, INC.
2461 IMPALA DRIVE
CARLSBAD, CA 92008
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

medical devices, namely, medical devices that measure analytes in blood

Basis: 1(a)**First Use Date:** 2010-01-01**First Use in Commerce Date:** 2010-01-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-05-11 - Registered - Principal Register

2010-04-09 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-04-08 - Law Office Registration Review Completed

2010-04-08 - Assigned To LIE

2010-03-23 - Allowed for Registration - Principal Register (SOU accepted)

2010-03-22 - Statement Of Use Processing Complete

2010-03-18 - Use Amendment Filed

2010-03-18 - TEAS Statement of Use Received

2010-03-16 - TEAS Change Of Correspondence Received

2010-03-16 - TEAS Change Of Correspondence Received

2009-09-21 - Extension 5 granted

2009-09-15 - Extension 5 filed

2009-09-15 - TEAS Extension Received

2009-05-20 - Extension 4 granted

2009-03-20 - Extension 4 filed

2009-05-20 - Case Assigned To Intent To Use Paralegal

2009-04-30 - Extension Received With TEAS Petition

2009-04-30 - Petition To Revive-Granted

2009-04-30 - TEAS Petition To Revive Received

2009-04-20 - Abandonment Notice Mailed - No Use Statement Filed

2009-04-20 - Abandonment - No use statement filed

2008-09-13 - Extension 3 granted

2008-09-13 - Extension 3 filed

2008-09-13 - TEAS Extension Received

2008-03-01 - Extension 2 granted

2008-03-01 - Extension 2 filed

2008-03-01 - TEAS Extension Received

2008-01-23 - Automatic Update Of Assignment Of Ownership

2008-01-16 - Extension 1 granted

2007-09-20 - Extension 1 filed

2008-01-07 - Extension Received With TEAS Petition

2008-01-07 - Petition To Revive-Granted

2008-01-07 - TEAS Petition To Revive Received

2007-12-31 - Abandonment Notice Mailed - No Use Statement Filed

2007-12-07 - Abandonment - No use statement filed
2007-03-20 - NOA Mailed - SOU Required From Applicant
2006-12-26 - Published for opposition
2006-12-06 - Notice of publication
2006-11-02 - Law Office Publication Review Completed
2006-11-02 - Assigned To LIE
2006-10-17 - Approved For Pub - Principal Register
2006-10-12 - Teas/Email Correspondence Entered
2006-09-27 - Communication received from applicant
2006-09-27 - TEAS Response to Office Action Received
2006-03-28 - Non-final action mailed
2006-03-27 - Non-Final Action Written
2006-03-21 - Assigned To Examiner
2005-09-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

V. Gerald Grafe

Correspondent

V. Gerald Grafe
The Grafe Law Office, P.C.
P.O. Box 2689
Corrales NM 87048
Phone Number: 8006300969
Fax Number: 5052130998

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:22:31 ET

Serial Number: 77631372 Assignment Information Trademark Document Retrieval

Registration Number: 3703347

Mark

LUMINOCT

(words only): LUMINOCT

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-10-27

Filing Date: 2008-12-11

Transformed into a National Application: No

Registration Date: 2009-10-27

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-09-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Sigma-Aldrich Biotechnology, L.P.

Composed Of:

Sigma-Aldrich Biotechnology Holding Company, Inc., a corporation of Missouri and Sigma-Aldrich Biotechnology Investment LLC, a Limited Liability Company of Missouri

Address:

Sigma-Aldrich Biotechnology, L.P.
3050 Spruce St.
St. Louis, MO 63101
United States

Legal Entity Type: Limited Partnership

State or Country Where Organized: Missouri

GOODS AND/OR SERVICES

International Class: 001

Class Status: Active

Chemical reagents for scientific and research use; chemical reagents and preparations for use in polymerase chain reaction analysis for scientific and research use and for use in medical diagnostic, clinical, and medical research laboratories; chemical reagents and preparations for use in the detection, amplification, analysis, quantification and labeling of nucleic acids for scientific and research use and for use in medical diagnostic, clinical, and medical research laboratories; fluorescent chemicals for scientific and research use and for use in medical diagnostic, clinical, and medical research laboratories

Basis: 1(a)

First Use Date: 2009-07-21

First Use in Commerce Date: 2009-07-21

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-10-04 - Attorney Revoked And/Or Appointed

2011-10-04 - TEAS Revoke/Appoint Attorney Received

2011-09-14 - Assignment Of Ownership Not Updated Automatically

2009-10-27 - Registered - Principal Register

2009-09-23 - Law Office Registration Review Completed
2009-09-21 - Allowed for Registration - Principal Register (SOU accepted)
2009-09-04 - Statement Of Use Processing Complete
2009-08-06 - Use Amendment Filed
2009-09-03 - Case Assigned To Intent To Use Paralegal
2009-08-06 - TEAS Statement of Use Received
2009-06-16 - NOA Mailed - SOU Required From Applicant
2009-03-24 - Published for opposition
2009-03-04 - Notice of publication
2009-02-18 - Law Office Publication Review Completed
2009-02-18 - Assigned To LIE
2009-02-09 - Approved For Pub - Principal Register
2009-02-06 - Teas/Email Correspondence Entered
2009-02-06 - Communication received from applicant
2009-02-06 - TEAS Response to Office Action Received
2009-02-03 - Notification Of Non-Final Action E-Mailed
2009-02-03 - Non-final action e-mailed
2009-02-03 - Non-Final Action Written
2009-01-27 - Assigned To Examiner
2008-12-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Molly B. Edwards

Correspondent

Molly B. Edwards

Harness, Dickey & Pierce, PLC

7700 Bonhomme, Suite 400

Saint Louis MO 63105

Phone Number: 314-726-7500

Fax Number: 314-726-7501

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:22:18 ET

Serial Number: 79049931 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3587323

Mark

LUMINJECT

(words only): LUMINJECT

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-03-10

Filing Date: 2008-01-24

Transformed into a National Application: No

Registration Date: 2009-03-10

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-03-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Transcodent GmbH & Co. KG

Address:

Transcodent GmbH & Co. KG
Oderstraße 60 24539 Neumünster
Fed Rep Germany

Legal Entity Type: limited partnership

State or Country Where Organized: Fed Rep Germany

GOODS AND/OR SERVICES

International Class: 010

Class Status: Active

Surgical, medical, dental and veterinary instruments and apparatus, namely, syringes and injection needles

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

International Registration Number: 0953407

International Registration Date: 2008-01-24

Priority Claimed: No

Date of Section 67 Priority Claim: (DATE NOT AVAILABLE)

International Registration Status: Request For Extension Of Protection Processed

Date of International Registration Status: 2008-03-13

International Registration Renewal Date: 2018-01-24

Notification of Designation Date: 2008-03-13

Date of Automatic Protection: 2009-09-13

Date International Registration Cancelled: (DATE NOT AVAILABLE)

First Refusal: Yes

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-07-25 - TEAS Change Of Correspondence Received

2009-06-25 - Final Disposition Notice Sent To IB

2009-06-25 - Final Disposition Processed

2009-06-10 - Final Disposition Notice Created, To Be Sent To IB

2009-03-10 - Registered - Principal Register

2008-12-23 - Published for opposition

2008-12-03 - Notice of publication
2008-11-27 - Change Of Owner Received From IB
2008-11-20 - Law Office Publication Review Completed
2008-11-20 - Approved for Pub - Principal Register (Initial exam)
2008-11-19 - Teas/Email Correspondence Entered
2008-11-19 - Communication received from applicant
2008-11-19 - Assigned To LIE
2008-11-06 - TEAS Response to Office Action Received
2008-06-19 - Attorney Revoked And/Or Appointed
2008-06-19 - TEAS Revoke/Appoint Attorney Received
2008-05-23 - Refusal Processed By IB
2008-05-06 - Non-Final Action Mailed - Refusal Sent To IB
2008-05-06 - Refusal Processed By MPU
2008-05-06 - Non-Final Action (Ib Refusal) Prepared For Review
2008-05-05 - Non-Final Action Written
2008-05-02 - Assigned To Examiner
2008-03-14 - New Application Entered In Tram
2008-03-13 - Sn Assigned For Sect 66a Appl From IB

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lance J. Lieberman

Correspondent

LANCE J. LIEBERMAN

Cozen O'Connor

277 Park Avenue

New York NY 10172

Phone Number: (212) 883-4900

Fax Number: (212) 986-0604

Domestic Representative

COHEN PONTANI LIEBERMAN & PAVANE LLP

Phone Number: 212-687-2770

Fax Number: 212-972-5487

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:22:08 ET

Serial Number: 76504912 Assignment Information Trademark Document Retrieval

Registration Number: 2898765

Mark (words only): LUMINEXX

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2010-10-07

Filing Date: 2003-04-04

Transformed into a National Application: No

Registration Date: 2004-11-02

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: L50 -TMEG Law Office 105

Date In Location: 2010-10-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. C.R. BARD, INC.

Address:

C.R. BARD, INC.
730 Central Avenue
Murray Hill, NJ 07974
United States

Legal Entity Type: Corporation

State or Country of Incorporation: New Jersey

GOODS AND/OR SERVICES

International Class: 010

Class Status: Active

Medical devices and apparatus namely stents, stent delivery systems, and parts and fittings therefor

Basis: 1(a)

First Use Date: 2001-02-28

First Use in Commerce Date: 2001-02-28

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-10-07 - Section 8 (6-year) accepted & Section 15 acknowledged

2010-10-02 - Case Assigned To Post Registration Paralegal

2010-10-01 - TEAS Section 8 & 15 Received

2004-11-02 - Registered - Principal Register

2004-09-02 - Case File In TICRS

2004-08-18 - Extension Of Time To Oppose Process - Terminated

2004-03-04 - Extension Of Time To Oppose Received

2004-02-03 - Published for opposition

2004-01-14 - Notice of publication

2003-10-21 - Approved for Pub - Principal Register (Initial exam)

2003-10-02 - Non-final action mailed

2003-09-30 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Roberta S. Bren

Correspondent

Roberta S. Bren

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUST

1940 DUKE STREET

ALEXANDRIA VA 22314-3451

Phone Number: 703-413-3000

Fax Number: 703-413-2220

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:21:43 ET

Serial Number: 77476612 Assignment Information Trademark Document Retrieval

Registration Number: 4080370

Mark

LUMINENZ

(words only): LUMINENZ

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2012-01-03

Filing Date: 2008-05-16

Transformed into a National Application: No

Registration Date: 2012-01-03

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-11-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Curemark, LLC

Address:

Curemark, LLC
Suite 206 411 Theodore Fremd Ave.
Rye, NY 10580
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

pharmaceutical preparations for the treatment of pervasive development disorders and dysautonomia

Basis: 1(a)

First Use Date: 2008-09-11

First Use in Commerce Date: 2009-10-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-01-03 - Registered - Principal Register

2011-11-29 - Notice Of Acceptance Of Statement Of Use E-Mailed

2011-11-26 - Law Office Registration Review Completed

2011-11-22 - Allowed for Registration - Principal Register (SOU accepted)

2011-11-08 - Statement Of Use Processing Complete

2011-11-05 - Use Amendment Filed

2011-11-07 - TEAS Statement of Use Received

2011-05-07 - Notice Of Approval Of Extension Request E-Mailed

2011-05-06 - Extension 4 granted

2011-05-05 - Extension 4 filed
2011-05-05 - TEAS Extension Received
2011-04-06 - Attorney Revoked And/Or Appointed
2011-04-06 - TEAS Revoke/Appoint Attorney Received
2010-11-09 - Notice Of Approval Of Extension Request E-Mailed
2010-11-08 - Extension 3 granted
2010-11-05 - Extension 3 filed
2010-11-05 - TEAS Extension Received
2010-05-11 - Notice Of Approval Of Extension Request E-Mailed
2010-05-10 - Extension 2 granted
2010-05-05 - Extension 2 filed
2010-05-05 - TEAS Extension Received
2009-12-03 - Extension 1 granted
2009-11-05 - Extension 1 filed
2009-12-03 - Case Assigned To Intent To Use Paralegal
2009-11-05 - TEAS Extension Received
2009-05-05 - NOA Mailed - SOU Required From Applicant
2009-03-20 - TTAB Release Case To Trademarks
2009-03-20 - Opposition terminated for Proceeding
2009-03-02 - PAPER RECEIVED
2009-03-18 - Opposition dismissed for Proceeding
2008-09-23 - Opposition instituted for Proceeding
2008-09-23 - Opposition papers filed
2008-09-16 - Published for opposition
2008-08-27 - Notice of publication

2008-08-11 - Law Office Publication Review Completed

2008-08-11 - Assigned To LIE

2008-08-05 - Approved For Pub - Principal Register

2008-07-29 - Assigned To Examiner

2008-05-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Nicole K. McLaughlin

Correspondent

Nicole K. McLaughlin

Duane Morris LLP

30 S. 17th St.

Philadelphia PA 19103

Phone Number: 215-979-1191

Fax Number: 215-689-4934

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:21:33 ET

Serial Number: 77671614 Assignment Information Trademark Document Retrieval

Registration Number: 3685524

Mark

LUMINARY

(words only): LUMINARY

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-09-22

Filing Date: 2009-02-17

Transformed into a National Application: No

Registration Date: 2009-09-22

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-09-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Synthes USA, LLC

Address:

Synthes USA, LLC
1302 Wrights Lane East
West Chester, PA 19380
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

Surgical implants, namely, disc spacers composed of human tissues

Basis: 1(a)

First Use Date: 2006-09-21

First Use in Commerce Date: 2006-09-21

International Class: 010

Class Status: Active

Medical instruments for use in spinal surgery, namely, scalpels, forceps, expandable disc space distractors, elevators, vertebral disc shavers, rasps, trial spacers, t-handle adapter, mallet, impactor, implant holder, spreaders, and vertebral disc spacers

Basis: 1(a)

First Use Date: 2006-09-21

First Use in Commerce Date: 2006-09-21

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-09-22 - Registered - Principal Register

2009-07-07 - Published for opposition

2009-06-17 - Notice of publication

2009-05-30 - Law Office Publication Review Completed

2009-05-30 - Assigned To LIE

2009-05-29 - Approved for Pub - Principal Register (Initial exam)

2009-05-29 - Examiner's Amendment Entered

2009-05-29 - Notification Of Examiners Amendment E-Mailed

2009-05-29 - EXAMINERS AMENDMENT E-MAILED

2009-05-29 - Examiners Amendment -Written

2009-05-08 - Notification Of Non-Final Action E-Mailed

2009-05-08 - Non-final action e-mailed

2009-05-08 - Non-Final Action Written

2009-05-07 - Assigned To Examiner

2009-02-20 - New Application Office Supplied Data Entered In Tram

2009-02-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Denise I. Mroz

Correspondent

DENISE I. MROZ
WOODCOCK WASHBURN LLP
2929 ARCH ST STE 1200
PHILADELPHIA, PA 19104-2891
Phone Number: (215) 568-3100
Fax Number: (215) 568-3439

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:21:24 ET

Serial Number: 78517978 Assignment Information Trademark Document Retrieval

Registration Number: 3254140

Mark

LUMINANT

(words only): LUMINANT

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2007-06-19

Filing Date: 2004-11-16

Transformed into a National Application: No

Registration Date: 2007-06-19

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-05-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. INTEGRA BURLINGTON MA, INC.

Address:

INTEGRA BURLINGTON MA, INC.
22 TERRY AVENUE
BURLINGTON, MA 01803
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Medical apparatus, namely, a localizing ring for stereotactic procedures, namely to pinpoint the location of tumors or abscesses in the brain for biopsy, removal and/or radiation therapy

Basis: 1(a)**First Use Date:** 2004-10-01**First Use in Commerce Date:** 2004-11-17

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-10-20 - Automatic Update Of Assignment Of Ownership

2007-06-19 - Registered - Principal Register

2007-04-13 - Law Office Registration Review Completed

2007-04-13 - Assigned To LIE

2007-03-23 - Allowed for Registration - Principal Register (SOU accepted)

2007-03-06 - Statement Of Use Processing Complete

2006-12-12 - Use Amendment Filed

2006-12-15 - PAPER RECEIVED

2006-11-20 - ITU Office Action Issued For Statement Of Use

2006-10-09 - TEAS Statement of Use Received

2006-10-09 - TEAS Change Of Correspondence Received

2006-07-26 - Automatic Update Of Assignment Of Ownership

2006-06-13 - NOA Mailed - SOU Required From Applicant

2006-03-21 - Published for opposition

2006-03-01 - Notice of publication

2006-02-02 - Law Office Publication Review Completed

2006-01-27 - Assigned To LIE

2006-01-13 - Approved For Pub - Principal Register

2006-01-11 - Teas/Email Correspondence Entered

2005-12-22 - Communication received from applicant

2005-12-22 - TEAS Response to Office Action Received

2005-12-22 - TEAS Change Of Correspondence Received

2005-06-23 - Non-final action mailed

2005-06-22 - Non-Final Action Written

2005-06-21 - Assigned To Examiner

2004-11-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

THOMAS A RUNK

Correspondent

THOMAS A RUNK

FULWIDER PATTON LLP

6060 CTR DR 10TH FL

LOS ANGELES, CA 90045

Phone Number: (310) 824-5555

Fax Number: (310) 824-9696

Domestic Representative

THOMAS A RUNK

Phone Number: 203-845-4603

Fax Number: 203-846-5988

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:21:10 ET

Serial Number: 76667259 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3441239

Mark

LUMINANCE

(words only): LUMINANCE

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-06-03

Filing Date: 2006-10-11

Transformed into a National Application: No

Registration Date: 2008-06-03

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-04-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SUPERMAX, INC.

Address:

SUPERMAX, INC.
2225 White Oak Circle White Oak Business Park

Aurora, IL 60502
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Illinois

GOODS AND/OR SERVICES

International Class: 010
Class Status: Active
gloves for medical use, namely, examination gloves; medical gloves; and surgical gloves
Basis: 1(a)
First Use Date: 2007-07-01
First Use in Commerce Date: 2007-07-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-12-19 - TEAS Change Of Correspondence Received
2008-06-03 - Registered - Principal Register
2008-04-25 - Law Office Registration Review Completed
2008-04-23 - Allowed for Registration - Principal Register (SOU accepted)
2008-03-31 - Statement Of Use Processing Complete
2008-03-04 - Use Amendment Filed
2008-03-06 - PAPER RECEIVED
2008-03-04 - Assigned To Examiner
2007-09-04 - NOA Mailed - SOU Required From Applicant
2007-06-12 - Published for opposition

2007-05-23 - Notice of publication
2007-04-09 - Law Office Publication Review Completed
2007-04-09 - Assigned To LIE
2007-03-16 - Approved For Pub - Principal Register
2007-03-01 - Teas/Email Correspondence Entered
2007-02-28 - Communication received from applicant
2007-02-28 - TEAS Response to Office Action Received
2007-01-23 - Non-final action mailed
2007-01-22 - Non-Final Action Written
2007-01-11 - Assigned To Examiner
2006-10-21 - Application Filing Receipt Mailed
2006-10-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Stephen E. Feldman, P.C.

Correspondent

Stephen E. Feldman, P.C.

Feldman Law Group, P.C.

220 East 42 Street

NEW YORK NY 10017-6221

Phone Number: 212-532-8585

Fax Number: 212-532-8598

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:21:00 ET

Serial Number: 77003896 Assignment Information Trademark Document Retrieval

Registration Number: 3797966

Mark

LUMINAGE

(words only): LUMINAGE

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-06-08

Filing Date: 2006-09-21

Transformed into a National Application: No

Registration Date: 2010-06-08

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-06-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Galderma S.A.

Address:

Galderma S.A.
Zugerstrasse 8
Cham 8032
Switzerland

Legal Entity Type: SOCIETE ANONYME**State or Country Where Organized:** Switzerland

GOODS AND/OR SERVICES

International Class: 005**Class Status:** Active

Pharmaceutical preparations for the treatment of dermatological diseases, disorders and conditions

Basis: 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Registration Number: 511379**Foreign Registration Date:** 2003-06-11**Country:** Switzerland**Foreign Expiration Date:** 2013-06-11

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-12-23 - TEAS Change Of Correspondence Received

2010-06-08 - Registered - Principal Register

2010-04-29 - 1(B) Basis Deleted; Proceed To Registration

2010-04-23 - Notice Of Allowance Cancelled

2010-04-23 - TEAS Delete 1(B) Basis Received

2009-11-06 - Extension 4 granted

2009-11-04 - Extension 4 filed

2009-11-04 - TEAS Extension Received

2009-05-21 - Extension 3 granted

2009-05-20 - Extension 3 filed

2009-05-20 - TEAS Extension Received

2009-02-09 - Extension 2 granted

2008-11-20 - Extension 2 filed

2009-02-09 - Case Assigned To Intent To Use Paralegal

2009-01-14 - Extension Received With TEAS Petition

2009-01-14 - Petition To Revive-Granted

2009-01-14 - TEAS Petition To Revive Received

2008-12-22 - Abandonment Notice Mailed - No Use Statement Filed

2008-12-22 - Abandonment - No use statement filed

2008-06-19 - Extension 1 granted

2008-05-20 - Extension 1 filed

2008-06-17 - Extension Received With TEAS Petition

2008-06-17 - Petition To Revive-Granted

2008-06-17 - TEAS Petition To Revive Received

2007-11-20 - NOA Mailed - SOU Required From Applicant

2007-08-28 - Published for opposition

2007-08-08 - Notice of publication

2007-07-20 - Law Office Publication Review Completed

2007-07-18 - Approved For Pub - Principal Register

2007-07-18 - Teas/Email Correspondence Entered

2007-07-18 - Communication received from applicant

2007-07-18 - Assigned To LIE

2007-06-28 - TEAS Response to Office Action Received

2007-06-18 - Notification Of Letter Of Suspension E-Mailed

2007-06-18 - LETTER OF SUSPENSION E-MAILED

2007-06-18 - Suspension Letter Written

2007-06-12 - Teas/Email Correspondence Entered

2007-06-11 - Communication received from applicant

2007-06-11 - TEAS Response to Office Action Received

2006-12-11 - Non-final action e-mailed

2006-12-11 - Non-Final Action Written

2006-12-05 - Assigned To Examiner

2006-09-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

G. Mathew Lombard

Correspondent

G. Mathew Lombard

Lombard & Geliebter LLP

1115 Broadway, 12th Floor

New York NY 10010

Phone Number: 646-308-1607

Fax Number: 646-349-5567

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:20:50 ET

Serial Number: 77618375 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

LUMINADERM

(words only): LUMINADERM

Standard Character claim: Yes

Current Status: A fifth request for extension of time to file a Statement of Use has been granted.

Date of Status: 2012-01-11

Filing Date: 2008-11-20

The Notice of Allowance Date is: 2009-06-23

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 111

Attorney Assigned:
EULIN INGRID C

Current Location: 700 -Intent To Use Section

Date In Location: 2010-05-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. NovaBiotics Limited

Address:

NovaBiotics Limited
Craibstone Cruikshank Building
Aberdeen AB219TR
United Kingdom

Legal Entity Type: Corporation**State or Country of Incorporation:** United Kingdom

GOODS AND/OR SERVICES

International Class: 005**Class Status:** Active

Pharmaceutical and veterinary preparations and substances, namely, anti-infective preparations and substances; antiseptic preparations and substances; antimicrobial preparations and substances for use in the treatment of dermatologic ailments; antibacterial preparations and substances for medical purposes; antifungal medications; medicated antifungal and antibacterial preparations and substances, namely, moisturizers, creams, lotions, gels, toners, cleansers, and cosmetics all for use in the treatment of dermatologic ailments; antiviral preparations and substances preparations and substances for the prevention and treatment of infections

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-01-12 - Notice Of Approval Of Extension Request E-Mailed

2012-01-11 - Extension 5 granted

2011-12-21 - Extension 5 filed

2011-12-21 - TEAS Extension Received

2011-05-17 - Notice Of Approval Of Extension Request E-Mailed

2011-05-14 - Extension 4 granted

2011-05-12 - Extension 4 filed
2011-05-12 - TEAS Extension Received
2010-11-17 - Notice Of Approval Of Extension Request E-Mailed
2010-11-16 - Extension 3 granted
2010-11-09 - Extension 3 filed
2010-11-09 - TEAS Extension Received
2010-06-02 - Notice Of Approval Of Extension Request E-Mailed
2010-06-01 - Extension 2 granted
2010-05-07 - Extension 2 filed
2010-05-27 - Case Assigned To Intent To Use Paralegal
2010-05-07 - TEAS Extension Received
2009-12-10 - Extension 1 granted
2009-12-10 - Extension 1 filed
2009-12-10 - TEAS Extension Received
2009-06-23 - NOA Mailed - SOU Required From Applicant
2009-03-31 - Published for opposition
2009-03-11 - Notice of publication
2009-02-25 - Law Office Publication Review Completed
2009-02-25 - Assigned To LIE
2009-02-20 - Approved For Pub - Principal Register
2009-02-20 - Assigned To Examiner
2008-11-25 - Notice Of Pseudo Mark Mailed
2008-11-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Nicole K. McLaughlin

Correspondent

NICOLE K. MCLAUGHLIN

DUANE MORRIS LLP

30 SOUTH 17TH STREET

PHILADELPHIA, PA 19103

Phone Number: 215-979-1000

Fax Number: 215-979-1020

Domestic Representative

Nicole K. McLaughlin

Phone Number: 215-979-1000

Fax Number: 215-979-1020

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:20:23 ET

Serial Number: 76606050 Assignment Information Trademark Document Retrieval

Registration Number: 3468420

Mark

LUMENOSCOPY

(words only): LUMENOSCOPY

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-07-15

Filing Date: 2004-08-09

Transformed into a National Application: No

Registration Date: 2008-07-15

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-06-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ZILA, INC.

Address:

ZILA, INC.
701 CENTRE AVENUE
FORT COLLINS, CO 80526
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 044**Class Status:** Active

medical services, namely, conducting examinations of the oral cavity using particular screening devices for detecting abnormal tissue

Basis: 1(a)**First Use Date:** 2006-07-01**First Use in Commerce Date:** 2006-11-01

ADDITIONAL INFORMATION

Prior Registration Number(s):

2670202

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-04-07 - Automatic Update Of Assignment Of Ownership

2008-07-15 - Registered - Principal Register

2008-06-10 - Law Office Registration Review Completed

2008-06-09 - Allowed for Registration - Principal Register (SOU accepted)

2008-06-09 - Teas/Email Correspondence Entered

2008-06-09 - Communication received from applicant

2008-06-04 - TEAS Response to Office Action Received

2008-05-19 - Notification Of Notice Of Unresponsive Amendment - E-Mailed

2008-05-19 - Notice of unresponsive amendment e-mailed
2008-05-19 - SU - Notice Of Unresponsive Amendment - Written
2008-05-17 - Teas/Email Correspondence Entered
2008-05-16 - Communication received from applicant
2008-05-16 - TEAS Request For Reconsideration Received
2007-12-06 - Notification Of Final Refusal Emailed
2007-12-06 - Final refusal e-mailed
2007-12-06 - SU - Final Refusal - Written
2007-12-06 - Amendment From Applicant Entered
2007-12-06 - Communication received from applicant
2007-12-06 - Assigned To LIE
2007-10-29 - PAPER RECEIVED
2007-10-17 - Notification Of Non-Final Action E-Mailed
2007-10-17 - NON-FINAL ACTION E-MAILED
2007-10-17 - SU - Non-Final Action - Written
2007-10-17 - Statement Of Use Processing Complete
2007-10-01 - Use Amendment Filed
2007-10-01 - TEAS Statement of Use Received
2007-09-06 - Extension 3 granted
2007-06-27 - Extension 3 filed
2007-08-07 - Extension Received With TEAS Petition
2007-08-07 - Petition To Revive-Granted
2007-08-07 - TEAS Petition To Revive Received
2007-01-09 - Extension 2 granted
2006-12-27 - Extension 2 filed

2006-12-28 - Extension Received With TEAS Petition
2006-12-28 - Petition To Revive-Granted
2006-12-28 - TEAS Petition To Revive Received
2006-07-12 - Extension 1 granted
2006-06-16 - Extension 1 filed
2006-06-16 - TEAS Extension Received
2006-04-05 - Assignment Of Ownership Not Updated Automatically
2005-12-27 - NOA Mailed - SOU Required From Applicant
2005-10-04 - Published for opposition
2005-09-14 - Notice of publication
2005-06-21 - Law Office Publication Review Completed
2005-06-15 - Approved For Pub - Principal Register
2005-06-14 - Teas/Email Correspondence Entered
2005-06-07 - Communication received from applicant
2005-06-14 - Assigned To LIE
2005-06-07 - TEAS Response to Office Action Received
2005-03-14 - Non-final action e-mailed
2005-03-14 - Non-Final Action Written
2005-03-12 - Assigned To Examiner
2004-08-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

ZILA PHARMACEUTICALS INC
5227 N 7TH ST
PHOENIX AZ 85014-2800
Phone Number: (928) 445-8063
Fax Number: (928) 778-7986

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:20:12 ET

Serial Number: 78314325 Assignment Information Trademark Document Retrieval

Registration Number: 2891411

Mark (words only): LUMENIS

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2011-03-21

Filing Date: 2003-10-16

Transformed into a National Application: No

Registration Date: 2004-10-05

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: M30 -TMO Law Office 112

Date In Location: 2011-03-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Lumenis Ltd.

Address:

Lumenis Ltd.
PO Box 240
Yokneam
Israel

Legal Entity Type: Corporation

State or Country of Incorporation: Israel

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Laser devices for medical and aesthetic treatments; Medical and aesthetic energy delivery or energy emitting devices, namely, electromagnetic radiation apparatus, Associated medical and aesthetic equipment for the laser, energy delivery and energy emitting devices, namely, monitors, handpieces, touch screens, display screens, display panels, liquid crystal displays, ultrasonic tips, handpiece tips, disposable tips for liquid applicators; Computer software for the operation of and treatment with medical and aesthetic laser, energy delivery and energy emitting devices

Basis: 1(a)**First Use Date:** 2001-05-08**First Use in Commerce Date:** 2001-05-08

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-06-01 - Attorney Revoked And/Or Appointed

2011-06-01 - TEAS Revoke/Appoint Attorney Received

2011-03-21 - Section 8 (6-year) accepted & Section 15 acknowledged

2011-03-21 - Case Assigned To Post Registration Paralegal

2011-03-09 - TEAS Section 8 & 15 Received

2008-06-05 - Attorney Revoked And/Or Appointed

2008-06-05 - TEAS Revoke/Appoint Attorney Received

2005-06-20 - TEAS Change Of Correspondence Received

2005-03-13 - Attorney Revoked And/Or Appointed

2005-03-13 - TEAS Revoke/Appoint Attorney Received

2004-10-05 - Registered - Principal Register

2004-07-13 - Published for opposition

2004-06-23 - Notice of publication

2004-05-14 - Approved for Pub - Principal Register (Initial exam)

2004-04-29 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Susan Neuberger Weller

Correspondent

Susan Neuberger Weller

Mintz, Levin, Cohn, Ferris, Glovsky and
Suite 900

701 Pennsylvania Avenue, N.W.

Washington DC 20004

Phone Number: (202)585-3510

Fax Number: (202)434-7400

Domestic Representative

Susan Neuberger Weller

Phone Number: (202)585-3510

Fax Number: (202)434-7400

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:19:34 ET

Serial Number: 78789287 Assignment Information Trademark Document Retrieval

Registration Number: 3548273

Mark

E.LUMINEXX

(words only): E.LUMINEXX

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-12-16

Filing Date: 2006-01-11

Transformed into a National Application: No

Registration Date: 2008-12-16

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-11-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. C. R. Bard, Inc.

Address:

C. R. Bard, Inc.
730 Central Avenue
Murray Hill, NJ 07974
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** New Jersey

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Medical devices and apparatus, namely, stents, stent delivery systems, and parts and fittings therefor

Basis: 1(a)**First Use Date:** 2008-08-19**First Use in Commerce Date:** 2008-08-19

ADDITIONAL INFORMATION

Prior Registration Number(s):

2898765

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-12-16 - Registered - Principal Register

2008-11-10 - Law Office Registration Review Completed

2008-11-10 - Assigned To LIE

2008-11-05 - Allowed for Registration - Principal Register (SOU accepted)

2008-09-26 - Statement Of Use Processing Complete

2008-09-24 - Use Amendment Filed

2008-09-25 - Case Assigned To Intent To Use Paralegal

2008-09-24 - TEAS Statement of Use Received

2008-03-19 - Extension 3 granted
2008-03-19 - Extension 3 filed
2008-03-19 - TEAS Extension Received
2007-09-13 - Extension 2 granted
2007-07-17 - Extension 2 filed
2007-07-17 - TEAS Extension Received
2006-12-06 - Extension 1 granted
2006-12-06 - Extension 1 filed
2006-12-06 - TEAS Extension Received
2006-09-26 - NOA Mailed - SOU Required From Applicant
2006-07-04 - Published for opposition
2006-06-14 - Notice of publication
2006-05-18 - Law Office Publication Review Completed
2006-05-12 - Assigned To LIE
2006-05-09 - Approved For Pub - Principal Register
2006-05-08 - Assigned To Examiner
2006-04-11 - Applicant amendment prior to exam entered
2006-04-11 - TEAS Voluntary Amendment Received
2006-01-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Roberta S. Bren

Correspondent

Roberta S. Bren

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUST

1940 DUKE ST

ALEXANDRIA VA 22314-3451

Phone Number: 703-413-3000

Fax Number: 703-413-2220

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:19:18 ET

Serial Number: 78834292 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3277930

Mark

CPS LUMINARY

(words only): CPS LUMINARY

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2007-08-07

Filing Date: 2006-03-10

Transformed into a National Application: No

Registration Date: 2007-08-07

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-07-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Pacesetter, Inc.

DBA/AKA/TA/Formerly: DBA St. Jude Medical Cardiac Rhythm Management

Address:

Pacesetter, Inc.
15900 Valley View Court
Sylmar, CA 91342
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

Phone Number: 818 493-2170

Fax Number: 818 362-4795

GOODS AND/OR SERVICES

International Class: 010

Class Status: Active

Medical instruments, namely, bideflectable catheter with lumen

Basis: 1(a)

First Use Date: 2006-05-01

First Use in Commerce Date: 2006-05-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-08-07 - Registered - Principal Register

2007-05-21 - Law Office Registration Review Completed

2007-05-21 - Assigned To LIE

2007-05-04 - Allowed for Registration - Principal Register (SOU accepted)

2007-05-01 - Statement Of Use Processing Complete

2007-02-01 - Use Amendment Filed

2007-02-01 - TEAS Statement of Use Received

2007-01-30 - NOA Mailed - SOU Required From Applicant
2006-11-07 - Published for opposition
2006-10-18 - Notice of publication
2006-09-20 - Law Office Publication Review Completed
2006-09-18 - Assigned To LIE
2006-09-05 - Approved For Pub - Principal Register
2006-08-31 - Examiner's Amendment Entered
2006-08-31 - Examiners amendment e-mailed
2006-08-31 - Examiners Amendment - Written
2006-08-28 - Assigned To Examiner
2006-03-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Steven M. Mitchell

Correspondent

STEVEN M. MITCHELL
PACESETTER, INC.
15900 VALLEY VIEW COURT
SYLMAR, CA 91342
Phone Number: 818 493-2170
Fax Number: 818 362-4795

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-29 11:16:12 ET

Serial Number: 77490147 Assignment Information Trademark Document Retrieval

Registration Number: 3645978

Mark

ALUMINA

(words only): ALUMINA

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-06-30

Filing Date: 2008-06-03

Transformed into a National Application: No

Registration Date: 2009-06-30

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-06-30

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 3Gen, LLC.

Address:

3Gen, LLC.
31521 Rancho Viejo Rd., #104
San Juan Capistrano, CA 92675
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 010

Class Status: Active

Medical device, namely, a battery-powered illuminator with magnification for use in dermatological examinations

Basis: 1(a)

First Use Date: 2008-05-21

First Use in Commerce Date: 2008-05-21

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-06-30 - Registered - Principal Register

2009-04-14 - Published for opposition

2009-03-25 - Notice of publication

2009-03-12 - Law Office Publication Review Completed

2009-03-12 - Assigned To LIE

2009-03-11 - Approved for Pub - Principal Register (Initial exam)

2009-02-07 - Teas/Email Correspondence Entered

2009-02-06 - Communication received from applicant

2009-02-06 - TEAS Response to Office Action Received

2008-09-16 - Non-final action mailed

2008-09-15 - Non-Final Action Written

2008-09-13 - Assigned To Examiner

2008-06-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

William J. Brucker

Correspondent

WILLIAM J. BRUCKER
STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE STE 250
ALISO VIEJO, CA 92656-2681
Phone Number: (949) 855-1246
Fax Number: (949) 855-6371

Exhibit F: TRU-marks

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-28 13:28:26 ET

Serial Number: 77508969 Assignment Information Trademark Document Retrieval

Registration Number: 3877361

Mark

TRU BLOCK

(words only): TRU BLOCK

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-11-16

Filing Date: 2008-06-26

Transformed into a National Application: No

Registration Date: 2010-11-16

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-10-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Meridian Bioscience, Inc.

Address:

Meridian Bioscience, Inc.
3471 River Hills Drive
Cincinnati, OH 45244
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Ohio

GOODS AND/OR SERVICES

International Class: 005**Class Status:** Active

Biological reagents to block heterophilic antibodies in Immunoassays

Basis: 1(a)**First Use Date:** 2009-09-08**First Use in Commerce Date:** 2009-09-08

ADDITIONAL INFORMATION

Disclaimer: "BLOCK"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-11-16 - Registered - Principal Register

2010-10-12 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-10-09 - Law Office Registration Review Completed

2010-10-08 - Assigned To LIE

2010-09-26 - Allowed for Registration - Principal Register (SOU accepted)

2010-08-26 - Statement Of Use Processing Complete

2010-07-28 - Use Amendment Filed

2010-08-26 - Case Assigned To Intent To Use Paralegal

2010-07-28 - TEAS Statement of Use Received

2010-01-28 - Extension 1 granted
2010-01-28 - Extension 1 filed
2010-01-28 - TEAS Extension Received
2009-07-28 - NOA Mailed - SOU Required From Applicant
2009-05-05 - Published for opposition
2009-04-15 - Notice of publication
2009-03-31 - Law Office Publication Review Completed
2009-03-30 - Approved For Pub - Principal Register
2009-03-30 - Teas/Email Correspondence Entered
2009-03-30 - Communication received from applicant
2009-03-30 - Assigned To LIE
2009-03-30 - TEAS Response to Office Action Received
2008-09-30 - Notification Of Non-Final Action E-Mailed
2008-09-30 - Non-final action e-mailed
2008-09-30 - Non-Final Action Written
2008-09-29 - Assigned To Examiner
2008-07-01 - Notice Of Pseudo Mark Mailed
2008-06-30 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Patricia B. Hogan

Correspondent

PATRICIA B. HOGAN
KEATING MUETHING & KLEKAMP PLL
STE 1400
1 E 4TH ST
CINCINNATI, OH 45202
Phone Number: 513-579-6959

Fax Number: 513-579-6457

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This page was generated by the TARR system on 2012-06-28 13:29:03 ET

Serial Number: 77071919 Assignment Information Trademark Document Retrieval

Registration Number: 3468630

Mark

TRU EBV-G

(words only): TRU EBV-G

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-07-15

Filing Date: 2006-12-27

Transformed into a National Application: No

Registration Date: 2008-07-15

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-06-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Meridian Bioscience, Inc.

Address:

Meridian Bioscience, Inc.
3471 River Hills Drive
Cincinnati, OH 45244
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Ohio

GOODS AND/OR SERVICES

International Class: 005**Class Status:** Active

Diagnostic test kits containing transfer pipettes, pouched device comprising a plastic holder and test strip, a pouched conjugate tube comprising lyophilized conjugate bead, sample diluent, positive control, negative control, and running buffer, for qualitative diagnosis for Epstein-Barr Virus for use in medical or clinical laboratories

Basis: 1(a)**First Use Date:** 2007-08-21**First Use in Commerce Date:** 2007-08-21

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-07-15 - Registered - Principal Register

2008-06-12 - Law Office Registration Review Completed

2008-06-10 - Allowed for Registration - Principal Register (SOU accepted)

2008-05-22 - Statement Of Use Processing Complete

2008-05-16 - Use Amendment Filed

2008-05-16 - TEAS Statement of Use Received

2008-04-08 - NOA Mailed - SOU Required From Applicant

2008-01-15 - Published for opposition
2007-12-26 - Notice of publication
2007-12-12 - Law Office Publication Review Completed
2007-12-11 - Approved For Pub - Principal Register
2007-12-03 - Examiner's Amendment Entered
2007-12-03 - Notification Of Examiners Amendment E-Mailed
2007-12-03 - EXAMINERS AMENDMENT E-MAILED
2007-12-03 - Examiners Amendment -Written
2007-11-29 - Amendment From Applicant Entered
2007-11-29 - Communication received from applicant
2007-11-29 - Assigned To LIE
2007-10-22 - PAPER RECEIVED
2007-04-19 - Non-final action e-mailed
2007-04-19 - Non-Final Action Written
2007-04-18 - Assigned To Examiner
2007-01-02 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Patricia B. Hogan

Correspondent

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KEATING MUETHING & KLEKAMP PLL
Suite 1400
1 E 4th St
CINCINNATI OH 45202
Phone Number: 513-579-6959
Fax Number: 513-579-6457

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-28 13:29:14 ET

Serial Number: 77071929 Assignment Information Trademark Document Retrieval

Registration Number: 3468631

Mark

TRU EBV-M

(words only): TRU EBV-M

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-07-15

Filing Date: 2006-12-27

Transformed into a National Application: No

Registration Date: 2008-07-15

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-06-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Meridian Bioscience, Inc.

Address:

Meridian Bioscience, Inc.
3471 River Hills Drive
Cincinnati, OH 45244
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Ohio

GOODS AND/OR SERVICES

International Class: 005**Class Status:** Active

Diagnostic test kits containing transfer pipettes, pouched device comprising a plastic holder and test strip, a pouched conjugate tube comprising lyophilized conjugate bead, sample diluent, positive control, negative control, and running buffer, for the detection of the Epstein-Barr Virus for use in medical and clinical laboratories

Basis: 1(a)**First Use Date:** 2007-08-21**First Use in Commerce Date:** 2007-08-21

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-07-15 - Registered - Principal Register

2008-06-12 - Law Office Registration Review Completed

2008-06-10 - Allowed for Registration - Principal Register (SOU accepted)

2008-05-29 - Statement Of Use Processing Complete

2008-05-16 - Use Amendment Filed

2008-05-16 - TEAS Statement of Use Received

2008-04-08 - NOA Mailed - SOU Required From Applicant

2008-01-15 - Published for opposition
2007-12-26 - Notice of publication
2007-12-12 - Law Office Publication Review Completed
2007-12-11 - Approved For Pub - Principal Register
2007-12-03 - Examiner's Amendment Entered
2007-12-03 - Notification Of Examiners Amendment E-Mailed
2007-12-03 - EXAMINERS AMENDMENT E-MAILED
2007-12-03 - Examiners Amendment -Written
2007-11-29 - Amendment From Applicant Entered
2007-11-29 - Communication received from applicant
2007-11-29 - Assigned To LIE
2007-10-22 - PAPER RECEIVED
2007-04-19 - Non-final action e-mailed
2007-04-19 - Non-Final Action Written
2007-04-18 - Assigned To Examiner
2007-01-02 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Patricia B. Hogan

Correspondent

Patricia B. Hogan

KEATING MUETHING & KLEKAMP PLL

1 E 4TH ST STE 1400

CINCINNATI OH 45202-3752

Phone Number: 5135796959

Fax Number: 5135796457

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-28 13:29:24 ET

Serial Number: 78901495 Assignment Information Trademark Document Retrieval

Registration Number: 3407185

Mark

TRU FLU

(words only): TRU FLU

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-04-01

Filing Date: 2006-06-06

Transformed into a National Application: No

Registration Date: 2008-04-01

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-02-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Meridian Bioscience, Inc.

Address:

Meridian Bioscience, Inc.
3471 River Hills Drive
Cincinnati, OH 45244
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Ohio

GOODS AND/OR SERVICES

International Class: 005**Class Status:** Active

Diagnostic tests for qualitative diagnosis in the medical or clinical laboratory for the detection of Influenza A and Influenza B viral nucleoprotein antigens in human nasal wash, nasopharyngeal aspirate, throat swab, and nasal and nasopharyngeal swab samples

Basis: 1(a)**First Use Date:** 2006-02-21**First Use in Commerce Date:** 2006-02-21

ADDITIONAL INFORMATION

Disclaimer: "FLU"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-01 - Registered - Principal Register

2008-02-27 - Law Office Registration Review Completed

2008-02-19 - Allowed for Registration - Principal Register (SOU accepted)

2008-02-12 - Statement Of Use Processing Complete

2008-01-14 - Use Amendment Filed

2008-01-14 - TEAS Statement of Use Received

2007-10-09 - NOA Mailed - SOU Required From Applicant

2007-07-17 - Published for opposition

2007-06-27 - Notice of publication
2007-06-12 - Law Office Publication Review Completed
2007-06-09 - Approved For Pub - Principal Register
2007-05-02 - Amendment From Applicant Entered
2007-05-02 - Communication received from applicant
2007-05-02 - Assigned To LIE
2007-04-04 - PAPER RECEIVED
2006-11-07 - Non-final action e-mailed
2006-11-07 - Non-Final Action Written
2006-11-07 - Assigned To Examiner
2006-06-09 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Patricia B. Hogan

Correspondent

Patricia B. Hogan
KEATING, MUETHING & KLEKAMP, P.L.L.
Suite 1400
1 E 4th St
CINCINNATI OH 45202-3752
Phone Number: 513-579-6959
Fax Number: 513-579-6457

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This page was generated by the TARR system on 2012-06-28 13:29:34 ET

Serial Number: 78901518 Assignment Information Trademark Document Retrieval

Registration Number: 3407186

Mark

TRU RSV

(words only): TRU RSV

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-04-01

Filing Date: 2006-06-06

Transformed into a National Application: No

Registration Date: 2008-04-01

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-02-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Meridian Bioscience, Inc.

Address:

Meridian Bioscience, Inc.
3471 River Hills Drive
cincinnati, OH 45202
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Ohio

GOODS AND/OR SERVICES

International Class: 005**Class Status:** Active

Diagnostic tests for qualitative diagnosis in the medical or clinical laboratory for the detection of Respiratory Syncytial Virus antigens in human nasal wash, nasopharyngeal aspirate, throat swab, and nasal and nasopharyngeal swab samples

Basis: 1(a)**First Use Date:** 2006-11-28**First Use in Commerce Date:** 2006-11-28

ADDITIONAL INFORMATION

Disclaimer: "RSV"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-01 - Registered - Principal Register

2008-02-27 - Law Office Registration Review Completed

2008-02-07 - Allowed for Registration - Principal Register (SOU accepted)

2008-02-06 - Statement Of Use Processing Complete

2008-01-14 - Use Amendment Filed

2008-01-14 - TEAS Statement of Use Received

2007-10-09 - NOA Mailed - SOU Required From Applicant

2007-07-17 - Published for opposition

2007-06-27 - Notice of publication
2007-06-12 - Law Office Publication Review Completed
2007-06-09 - Approved For Pub - Principal Register
2007-05-02 - Amendment From Applicant Entered
2007-05-02 - Communication received from applicant
2007-05-02 - Assigned To LIE
2007-04-04 - PAPER RECEIVED
2006-11-07 - Non-final action e-mailed
2006-11-07 - Non-Final Action Written
2006-11-07 - Assigned To Examiner
2006-06-09 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Patricia B. Hogan

Correspondent

Patricia B. Hogan
Keating, Muething & Klekamp PLL
Suite 1400
1 E 4th St
CINCINNATI OH 45202-3752
Phone Number: 513-579-6959
Fax Number: 513-579-6457

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-28 13:29:47 ET

Serial Number: 85091478 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

TRUSEQ

(words only): TRUSEQ

Standard Character claim: Yes

Current Status: A second request for extension of time to file a Statement of Use has been granted.

Date of Status: 2012-05-29

Filing Date: 2010-07-23

The Notice of Allowance Date is: 2011-06-21

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 117

Attorney Assigned:
MAHONEY PAULA M

Current Location: 710 -Divisional Unit

Date In Location: 2011-09-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Illumina, Inc.

Address:

Illumina, Inc.
5200 Illumina Way
San Diego, CA 92122
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

Scientific instruments, namely, nucleic acid sequencers, imaging devices, namely, electronic imaging apparatus for detecting images and optical signals, and for processing images and optical signals into data, for use in genotyping and sequencing; laboratory equipment for sample preparation, amplification, mixing, hybridization, incubation, and washing, namely, biological sample trays carrying multiple reagents, microscopic carrier beads with chemically attached DNA fragments, sets of microscopic carrier beads with chemically attached DNA fragments, and biological sample containers in the form of microscope slides with internal channels and chips having multi-well arrays and with chemically attached DNA fragments; Automated laboratory equipment and systems, namely, devices for positioning, controlling temperature, and moving containers for samples or adding reagents thereto in the nature of robotic arms and movable sample containers for laboratory use and barcode readers; Computer systems comprised of computer hardware, computer operating systems, computer software, electronic data files, modems and computer peripheral devices for collecting, storing, analyzing and reporting biological information, and for sample tracking and managing projects, laboratory workflow and data; all the foregoing for use in the fields of scientific, diagnostic and clinical research, clinical diagnostic analysis, genotyping and nucleotide sequencing

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 042**Class Status:** Active

Product development, namely, developing equipment for use in preparing, detecting, analyzing and sequencing nucleic acids and other biological molecules, and automated laboratory equipment and systems, and computer systems for collecting, storing, analyzing and reporting biological information, and for sample tracking and managing projects, laboratory workflow and data to the order and specification of others, all the foregoing in the fields of scientific, diagnostic and clinical research; Scientific and technological services and research services in the fields of genetics, epigenetics and gene expression analysis; Laboratory services, namely, preparation, detection, quantification, and analysis of biological material, for genotyping, for diagnostic assays, and for carrying out nucleic acid sequencing reactions; Consultancy, information and advisory services relating to the aforesaid services; Clinical diagnostic services in preparing, amplifying, labeling, detecting, analyzing and sequencing nucleic acids and other biological molecules

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-30 - Notice Of Approval Of Extension Request E-Mailed

2012-05-29 - Extension 2 granted

2012-05-23 - Extension 2 filed

2012-05-23 - TEAS Extension Received

2012-03-08 - Applicant/Correspondence Changes (Non-Responsive) Entered

2012-03-08 - TEAS Change Of Owner Address Received

2011-12-03 - Notice Of Approval Of Extension Request E-Mailed

2011-12-01 - Extension 1 granted

2011-12-01 - Extension 1 filed

2011-12-01 - TEAS Extension Received

2011-09-28 - Corrected Noa E-Mailed

2011-09-27 - Divisional processing completed

2011-09-23 - Divisional request received

2011-09-26 - Case Assigned To Intent To Use Paralegal

2011-09-23 - TEAS Request To Divide Received

2011-06-21 - NOA E-Mailed - SOU Required From Applicant

2011-04-26 - Official Gazette Publication Confirmation E-Mailed

2011-04-26 - Published for opposition

2011-03-23 - Law Office Publication Review Completed

2011-03-23 - Assigned To LIE
2011-03-06 - Approved For Pub - Principal Register
2011-03-01 - Teas/Email Correspondence Entered
2011-02-28 - Communication received from applicant
2011-02-28 - TEAS Response to Office Action Received
2010-11-17 - Notification Of Non-Final Action E-Mailed
2010-11-17 - Non-final action e-mailed
2010-11-17 - Non-Final Action Written
2010-11-06 - Assigned To Examiner
2010-07-28 - Notice Of Pseudo Mark Mailed
2010-07-27 - New Application Office Supplied Data Entered In Tram
2010-07-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Gabrielle A. Holley

Correspondent

GABRIELLE A. HOLLEY
HOLLEY & MENKER, P.A.
PO BOX 96
SOLANA BEACH, CA 92075-0096
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Fax Number: 858 876 1604

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This page was generated by the TARR system on 2012-06-28 13:29:57 ET

Serial Number: 85975751 Assignment Information Trademark Document Retrieval

Registration Number: 4064847

Mark

TRUSEQ

(words only): TRUSEQ

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-11-29

Filing Date: 2010-07-23

Transformed into a National Application: No

Registration Date: 2011-11-29

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-10-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Illumina, Inc.

Address:

Illumina, Inc.
5200 Illumina Way
San Diego, CA 92122
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 001**Class Status:** Active

Reagents and reagent kits comprising nucleic acids, naturally occurring or modified nucleotides, enzymes, labels, and buffers, all for the purpose of preparing, detecting, sequencing, and analyzing nucleic acids and other biological molecules, samples of biological molecules, genes, genomes, nucleotide sequence variants and modifications, regulation, transcription, and expression in the fields of scientific, diagnostic and clinical research

Basis: 1(a)**First Use Date:** 2010-11-22**First Use in Commerce Date:** 2010-11-22

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-03-08 - Applicant/Correspondence Changes (Non-Responsive) Entered

2012-03-08 - TEAS Change Of Owner Address Received

2011-11-29 - Registered - Principal Register

2011-10-22 - Notice Of Acceptance Of Statement Of Use E-Mailed

2011-10-21 - Law Office Registration Review Completed

2011-10-19 - Allowed for Registration - Principal Register (SOU accepted)

2011-09-28 - Notice Of Pseudo Mark Mailed

2011-09-27 - Statement Of Use Processing Complete
2011-09-23 - Use Amendment Filed
2011-09-27 - Divisional processing completed
2011-09-23 - Divisional request received
2011-09-26 - Case Assigned To Intent To Use Paralegal
2011-09-23 - TEAS Request To Divide Received
2011-09-23 - TEAS Statement of Use Received
2011-06-21 - NOA E-Mailed - SOU Required From Applicant
2011-04-26 - Official Gazette Publication Confirmation E-Mailed
2011-04-26 - Published for opposition
2011-03-23 - Law Office Publication Review Completed
2011-03-23 - Assigned To LIE
2011-03-06 - Approved For Pub - Principal Register
2011-03-01 - Teas/Email Correspondence Entered
2011-02-28 - Communication received from applicant
2011-02-28 - TEAS Response to Office Action Received
2010-11-17 - Notification Of Non-Final Action E-Mailed
2010-11-17 - Non-final action e-mailed
2010-11-17 - Non-Final Action Written
2010-11-06 - Assigned To Examiner
2010-07-28 - Notice Of Pseudo Mark Mailed
2010-07-27 - New Application Office Supplied Data Entered In Tram
2010-07-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Gabrielle A. Holley

Correspondent

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PO BOX 96
SOLANA BEACH, CA 92075-0096
Phone Number: 858 353 9285
Fax Number: 858 876 1604
